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Review of the efficiency of the administrative and financial functioning of the United Nations

Progress towards an accountability system in the United Nations Secretariat

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General entitled "Progress towards an accountability system in the United Nations Secretariat" (A/66/692). The Committee also had before it, for information, the report of the Joint Inspection Unit on accountability frameworks in the United Nations system (A/66/710) and the report of the Unit on transparency in the selection and appointment of senior managers in the United Nations Secretariat (A/66/380), submitted in response to General Assembly resolution 64/259, and the related report of the Secretary-General (A/66/380/Add.1). During its consideration of the matter, the Committee met with representatives of the Secretary-General, who provided additional information and clarification. The Committee also had an exchange of views, via videoconference, with the Chair of the Joint Inspection Unit.

2. The Advisory Committee recalls that the General Assembly, in its resolution 61/245, requested the Secretary-General to report on the Secretariat's accountability framework; the enterprise risk management and internal control framework; and the results-based management framework. The resulting report of the Secretary-General (A/62/701 and Corr.1) provided details based on three elements of institutional and personal integrity, namely, performance; compliance and oversight; and integrity. In its related report (A/63/457), the Committee recommended that the General Assembly take note of the report of the Secretary-General, and that it not approve, at that stage, the proposed changes to the organizational structure of the Secretariat or any of the resources requested. The General Assembly, in its resolution 63/276, decided not to endorse the accountability framework as proposed in document A/62/701 and Corr.1 and requested the Secretary-General to submit to the Assembly,

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for consideration at the first part of its resumed sixty-fourth session, a comprehensive report addressing, inter alia, 11 specific points set out in the resolution.[1]

3. The report of the Secretary-General to the General Assembly at its sixty-fourth session, entitled "Towards an accountability system in the United Nations Secretariat" (A/64/640), included a proposed definition of accountability, a series of recommendations for strengthening accountability in the United Nations Secretariat, a description of the components of the accountability system in effect in the Secretariat and a detailed plan and road map for the implementation of the enterprise risk management and internal control framework. In its related report (A/64/683 and Corr.1), the Advisory Committee noted that, while the report of the Secretary-General listed the legal instruments, mechanisms and tools that formed part of the accountability system, it did not explain why the existing components were not fully functional and also stopped short of addressing existing gaps or specifying proposals for improvement. The Committee recognized, however, that despite those gaps, the report of the Secretary-General presented some opportunities to determine the way forward. In its resolution 64/259, the General Assembly took note of the Secretary-General's report, decided upon a definition of accountability for the United Nations Secretariat (para. 8) and provided guidance and/or made specific requests in a number of areas.[2]

4. In his current report (A/66/692), the Secretary-General describes the progress made in the two years since his last report on accountability (A/64/640). A summary of the main initiatives undertaken during the reporting period is provided in paragraph 5 of the report. The actions taken to implement General Assembly resolution 64/259 are provided in sections II to VIII of the report. The annex to the report contains an enterprise risk management and internal control policy for the Organization. The Secretary-General's report does not address all the areas identified by the General Assembly, notably results-based management and performance reporting, which are to be integrated with other accountability and performance-related initiatives resulting from the change management exercise (see paras. 55-57 below).

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[1] See resolution 63/276, paras. 8 and 9: para. 9 set out the following points: (a) definition of accountability, roles and responsibilities; (b) performance reporting; (c) implementation of recommendations of oversight bodies; (d) personal and institutional accountability; (e) selection and appointment of senior managers; (f) reform of the performance appraisal system; (g) delegation of authority; (h) implementation of the results-based management framework; (i) results-based management information system; (j) enterprise risk management and internal control framework; (k) how the current and proposed accountability mechanisms in the Secretariat would have addressed the flaws in the management of the United Nations oil-for-food programme.

[2] Promoting a culture of accountability; performance reporting; implementation of recommendations of oversight bodies; personal and institutional accountability; selection and appointment of senior managers; reform of the performance appraisal system; delegation of authority; implementation of the results-based management framework; the results-based management information system; enterprise risk management and internal control framework; and how the current and proposed accountability mechanisms in the Secretariat would have addressed the flaws in the management of the United Nations oil-for-food programme.

II. General comments and observations

5. With respect to the format and content of the report, the Advisory Committee notes that the Secretary-General provides a description of the administrative policies, procedures, tools and systems implemented or envisaged for implementation under each of the areas of the accountability framework. The report provides few details on the accountability measures themselves, their underlying principles, the weaknesses they are intended to address, the timetable for their implementation or the next steps envisaged. It also lacks information on the mechanisms for monitoring and reporting on the application of those measures, the indicators and performance data used to measure progress and an analysis of their effectiveness in terms of strengthening accountability. In several instances, the Secretary-General affirms that progress was achieved in strengthening accountability but without providing any explanation or evidence to support his assertions. **In the view of the Advisory Committee, the lack of such details on the accountability measures and their application constitutes a weakness in the report of the Secretary-General. Moreover, the Committee points out that such information is necessary, not only for reporting purposes, but also for the day-to-day management of the implementation of the accountability framework, including monitoring progress, evaluating results and taking corrective action, as required. The Committee is concerned that the absence of such information may create the impression of a lack of commitment in implementing an effective accountability system.**

6. **Accordingly, the Advisory Committee recommends that the Secretary-General be requested to improve the content of future progress reports on the implementation of the accountability framework (see also para. 11 below) by providing more complete and transparent information that would enable a clear understanding of the principles and mechanisms of the accountability measures implemented or envisaged, including an analysis of the impact of their application on strengthening accountability, with key performance indicators and supporting statistical information to substantiate results.**

7. To supplement the information contained in the report of the Secretary-General, the Advisory Committee requested, by way of example, additional information on a number of elements, including: (a) the number of staff who had been subject to the withholding of salary increments or non-extension or termination of their contracts for performance reasons; (b) the number of cases of misconduct in which disciplinary measures had been taken, as well as the number of cases in which recovery actions were undertaken in 2011; (c) the number of cases in which staff had been protected under the whistleblower policy; (d) the number of cases in which staff had been subject to sanctions and/or reprimand for violating the "zero-tolerance" policy on gifts or hospitality imposed under the United Nations Supplier Code of Conduct; and (e) the number of cases in which recovery actions were undertaken pursuant to staff rule 10.1.

8. The statistical information on the above-mentioned elements provided to the Advisory Committee is attached as annex I to the present report. In some instances, the Secretariat was unable to provide the information requested within the time frame for the issuance of the current report, indicating that the required data was not recorded automatically and would have to be collected across all duty stations through a lengthy manual process (see paras. 31 and 32 below). The Committee is aware of the

weaknesses in current information systems, which will, in principle, be alleviated through the introduction of the new enterprise resource planning system (Umoja). **However, pending the implementation of Umoja, which is scheduled for 2014, the Advisory Committee considers that the Secretary-General can identify a set of essential data elements required for developing key performance indicators for tracking and reporting progress in the implementation of the accountability framework, and ensure that the necessary data is collected. The Committee recommends that the Secretary-General be requested to present performance data in all future progress reports on accountability (see para. 11 below).**

III. Implementation of General Assembly resolution 64/259

9. The General Assembly's definition of accountability covers: (a) the obligation of the Secretariat and its staff members in terms of mandate implementation, compliance with the regulatory framework, standards of conduct, stewardship of resources, performance and achieving results; (b) rewards and sanctions; and (c) the role of the oversight bodies. In its previous reports, the Advisory Committee has commented that lack of clarity in the definition of accountability was one of the fundamental weaknesses in the Secretary-General's accountability architecture (A/63/457, para 9; and A/64/683 and Corr.1, para. 12). **The Advisory Committee believes that the adoption of a definition of accountability provides the Organization with a clear direction for the further development of the accountability framework, the strengthening of accountability mechanisms and the establishment of instruments for their enforcement.**

10. The report of the Secretary-General outlines the actions taken to: promote a culture of accountability; clarify and codify delegations of authority; further implement human resources management reforms, including a new performance management and staff development system; and lay the groundwork for the introduction of enterprise risk management. **The Advisory Committee agrees with the Secretary-General that strengthening accountability remains a work in progress and that much more work remains to be done. It considers, nevertheless, that some elements of the accountability framework have been established, on which the Organization can build an effective system of accountability and improve the management of its operations.**

11. **Accordingly, and in light of the fact that the implementation of an effective system of accountability is a process that will span several years, the Advisory Committee recommends that the General Assembly request the Secretary-General to submit, for its consideration, an annual report on progress made towards the implementation of the accountability framework.**

A. Promoting a culture of accountability

12. In its resolution 64/259, the General Assembly stressed that accountability was a central pillar of effective and efficient management that required attention and strong commitment at the highest level of the Secretariat. The Assembly also stressed the importance of promoting a culture of accountability, results-based management, enterprise risk management and internal controls at all levels in the Secretariat through the continued leadership and commitment of senior managers

(para. 6). In its related report, the Advisory Committee emphasized that an accountability framework could not, in and of itself, create a culture of accountability, that such a culture required a change in the mindset of the staff, driven by a sustained commitment at the most senior levels of the Secretariat (A/64/683 and Corr.1, para. 52).

13. In paragraphs 7 to 11 of his report, the Secretary-General provides information on the actions taken to promote a culture of accountability. He indicates that a dedicated portal introduced on the Secretariat's Intranet (iSeek) in early 2011 aims to make information on accountability more accessible to staff at all levels of the Organization and to promote a common and practical understanding of what is meant by accountability at the United Nations.

14. The Advisory Committee enquired as to the impact of the site in promoting a culture of accountability and the number of times the portal had been accessed by Secretariat users. It was informed that 34,553 Intranet pages found on the "Accountability A to Z" portal had been viewed since its launch on 17 February 2011, ranking it consistently among the leading pages that provide original content. The Committee was further informed that the website constituted a critical capacity-building tool for knowledge sharing, active dialogue about good practices and hands-on guidance, which each staff member could apply to his/her daily work in the Organization. It was expected that the combination of a reference library and practical how-to guidance would empower staff to: better understand their responsibilities in relation to the larger mandates of the Organization; get a better sense of expected behaviour; and apply accountability concepts directly to their work. **The Advisory Committee recognizes the efforts made to launch the accountability web portal, which, in its view, is starting to prove to be a useful reference tool for providing guidance and raising awareness on accountability issues throughout the Secretariat.**

15. **The Advisory Committee also considers that the accountability portal constitutes only a first step towards the development of a culture of accountability. In light of the emphasis placed by the General Assembly on achieving a culture of accountability in the Secretariat, the Committee had anticipated an in-depth analysis of the factors contributing to a strong culture of accountability, including the role of leadership, a rigorous performance appraisal system and a comprehensive system of rewards and sanctions. The Committee emphasizes, in particular, that the exemplary leadership of senior management is critical in setting the tone and the highest standards for a strong culture of accountability, personal integrity, compliance and achieving results. Moreover, a failure to hold senior managers to account has a negative impact on setting the standards of accountability throughout the Organization. In the Committee's view, such an approach to fostering a strong culture of accountability throughout the Secretariat is warranted. The Committee therefore encourages the Secretary-General to ensure a consistent enforcement of accountability for all staff, including senior managers.**

B. Delegation of authority

16. In paragraph 21 of its resolution 64/259, the General Assembly, recalling paragraph 36 of the report of the Advisory Committee (A/64/683 and Corr.1),

requested the Secretary-General to urgently address the continued deficiencies in the current delegation of authority system through the promulgation of well-defined roles and responsibilities of individuals at all levels to whom authority is delegated, the systemic reporting mechanisms on monitoring and exercise of delegated authority and actions to be taken in cases of mismanagement or abuse of authority.

17. Actions taken in the area of delegation of authority are outlined in paragraphs 12 to 18 of the Secretary-General's report, in which he indicates that, in response to the request of the General Assembly, a comprehensive review of the current system was conducted under the Staff Regulations and Rules (human resources management) and the Financial Regulations and Rules (finance, budgeting, procurement and property management) in order to establish who has the delegated authority to take specific decisions and actions and to identify the legal source of authority in each instance. The Secretary-General further indicates that the system for the delegation of authority under the Staff Regulations and Rules has been comprehensively revised with a view to ensuring that authority is delegated in a consistent and transparent manner by those who possess the authority to mandate action. He proposes to implement the revised system of delegation of authority in steps: a first step involving the issuance of a Secretary-General's Bulletin setting out general principles of delegation and the specific authorities to be retained exclusively by the Secretary-General or delegated by him to the Under-Secretary-General for Management; and a second step for the further delegation of authority by the Under-Secretary-General for Management to other departments and offices in the Secretariat, which will be put into effect through administrative issuances. With regard to the Financial Regulations and Rules, the Secretary-General indicates that a comprehensive update of the existing system has been completed and that the revised system will be similarly promulgated in two steps. The Advisory Committee notes that the delegation of authority under the Financial Regulations and Rules is exercised by authorized officials who are granted the authority on a personal basis, as opposed to authority for human resources management, which is delegated by function.

18. **The Advisory Committee recognizes that the conduct of a comprehensive review of the system of delegation of authority and the complete revision of the system represents a considerable task, and it commends the Secretary-General for the efforts undertaken thus far. It considers, however, that the information contained in his report is insufficient to enable a clear understanding either of the comprehensive review process and its findings or of the functioning of the new system of delegation of authority and the improvements it is designed to bring about. Furthermore, the report does not include a time frame for the implementation of the various steps envisaged nor does it fully address the request of the General Assembly (see para. 16 above).**

19. **The Advisory Committee reiterates that a clear and effective delegation of authority, including well-defined roles and responsibilities of the individuals at all levels to whom such authority is delegated, is fundamental for an effective accountability system. It also reiterates its earlier recommendation that the Secretary-General should be requested to provide further details on the revised system of delegation of authority, the mechanisms envisaged for monitoring the exercise of delegated authority and the measures to be taken in case of mismanagement or abuse of that authority.**

C. Letters of representation

20. In his report on the overview of the financing of the United Nations peacekeeping operations (A/66/679, para. 125), the Secretary-General states that in 2012, the Department of Field Support will be introducing the requirement for Directors and Chiefs of Mission Support to submit letters of representation, which are both an internal control measure and a managerial accountability tool, which, when fully implemented across all field-based missions, can provide evidence in support of public assertions regarding the strength and quality of internal controls over financial reporting. **The Advisory Committee points out that, with the implementation of the International Public Sector Accounting Standards (IPSAS), such assurances will have to be provided by the United Nations to the Board of Auditors. The Committee is of the view that such managerial accountability tools should be developed for the Organization as a whole, on the basis of a unified approach and under the leadership of the Controller. The Committee recommends that the Secretary-General be requested to further elaborate on this matter in the context of the next progress report and to ensure full coordination between the Department of Field Support and the Department of Management in this regard.**

D. Implementation of recommendations of oversight bodies

21. In paragraph 12 of its resolution 64/259, the General Assembly emphasized the importance of the full and timely implementation of the recommendations of oversight bodies, stressing the role of the Management Committee for monitoring and ensuring that accepted recommendations are followed up and implemented in a timely manner.

22. According to the Secretary-General, important steps have been taken to strengthen oversight roles and functions (see A/66/692, paras. 19-22). He cites, in particular, the inclusion of the implementation of oversight recommendations as part of senior managers' compacts; quarterly reporting on the status of implementation of the recommendations by the Department of Management to the Management Committee; the establishment by the Management Committee of a regular and direct dialogue with all of the oversight bodies, including on the implementation of their recommendations; and strengthening of the role and building the capacity of departmental focal points for oversight issues. In addition, an administrative issuance is to be published soon in order to clearly establish the roles and responsibilities of officials in relation to the engagement and the reports and recommendations of the oversight bodies. The Secretary-General states that the increased attention to oversight issues and monitoring of recommendations has resulted in a positive trend in implementation rates of recommendations, which has been noted by the Independent Audit Advisory Committee and the Joint Inspection Unit. He indicates that, within three years of their issuance, 95 per cent of the recommendations of the Office of Internal Oversight Services (OIOS) and virtually 100 per cent of the recommendations of the Board of Auditors are implemented (A/66/692, para. 22). **The Advisory Committee welcomes the progress that has been reported in improving follow-up to and in monitoring the implementation of the recommendations of the oversight bodies.**

23. The Secretary-General states that he remains fully committed to implementing the recommendations of the oversight bodies and that managers also accept this as one of their primary responsibilities. The Advisory Committee requested further clarification of the mechanisms by which recommendations of the oversight bodies were accepted or rejected by management. The Committee was informed that the primary responsibility for accepting or not accepting a recommendation lies with the programme managers. Disagreements are handled through continuous dialogue between the oversight body and management until an agreement can be reached. Absent such an agreement, the intervention of the Management Committee may be sought, although, to date, there had been no requirement for such recourse, all disagreements having been amicably resolved. Upon enquiry, the Committee was further informed that the Secretary-General's comments on individual recommendations in the report of the Board of Auditors on peacekeeping operations for the period ended 30 June 2011 (see A/66/5 (Vol. II); and A/66/693) reflected a unified position of the Secretariat.

24. The Advisory Committee notes that in the above-mentioned report of the Board of Auditors (A/66/5 (Vol. II)), the Board identified deficiencies and weaknesses in many areas, including budget formulation and management, asset management, procurement and contract management, unliquidated obligations, human resources management, the implementation of IPSAS, mission exit and liquidation and the global field support strategy. Furthermore, many of the weaknesses identified are of a recurring nature, which, in the Committee's view, reflects managerial weakness as well as shortcomings in internal controls and oversight. The Committee comments on specific deficiencies identified by the Board in its forthcoming report and in the context of its reports on individual peacekeeping operations. **The Advisory Committee is of the view that prompt action to address and eliminate such weaknesses is an integral component of an effective accountability system. It also emphasizes the important role of the oversight bodies in the development of an accountability system for the United Nations. By scrutinizing the utilization of resources and management practices in the Organization on behalf of the General Assembly, the oversight bodies provide it with key instruments for holding the Secretariat to account. The Committee encourages the Secretary-General to further strengthen consultation and cooperation with the oversight bodies as he pursues implementation of the accountability framework.**

E. Personal and institutional accountability

25. The General Assembly, in paragraphs 13 to 18 of its resolution 64/259, emphasized the importance of establishing and fully implementing real, effective and efficient mechanisms that foster institutional and personal accountability at all levels and requested the Secretary-General to: analyse the impact of his proposed human resources management reform measures on personal accountability; propose concrete and comprehensive measures to strengthen personal accountability at all levels within the Secretariat, based on the definition of accountability outlined in paragraph 8 of the same resolution; further improve the managers' evaluation system; clearly identify the critical linkages between institutional and personal accountability through the senior managers' compacts, and the performance

appraisal system of all staff below the level of Assistant Secretary-General; and establish proper accountability mechanisms for underperformance at all levels.

26. In paragraphs 23 to 33 of his report the Secretary-General provides information on measures intended to strengthen personal and institutional accountability implemented in the context of a range of human resources management reforms pursuant to General Assembly resolutions 63/250 and 65/247.

27. The measures aimed at the strengthening of the performance of senior managers and institutional accountability include: (a) the alignment of the senior managers' compacts to the definition of accountability in General Assembly resolution 64/259; (b) the simultaneous assessment by the Management Performance Board of the senior managers' compacts, the human resources management scorecards and the programme performance reports, with a view to strengthening the alignment of institutional and personal accountability at the highest levels of management; (c) identification of areas of performance that require improvement and the development of an action plan to address those areas based on an individual engagement between each senior manager and the Deputy Secretary-General; and (d) the authority granted to the Management Performance Board to demand from individual senior managers explanations regarding the achievement or non-achievement of their goals. The Secretary-General also envisages adding, as part of the assessment of senior managers' performance, accountability for judgements rendered by the internal justice system. The Committee was informed that the final assessment of the performance of individual senior managers was also available on the Intranet.

28. According to the Secretary-General, the new policy on performance management will reinforce the connections between individual workplans and other mechanisms in the accountability framework, including senior managers' compacts, departmental workplans and budget fascicles, thereby enabling managers and staff members to determine how individual workplans contribute to the overall mandates of the Organization (A/66/692, para. 34). **The Advisory Committee notes the changes made to the content and assessment methods of the compact system. With the envisaged establishment of connection between individual workplans, departmental workplans, budget fascicles and the senior managers' compacts, as well as the inclusion in the managers' compacts of the final assessment of their performance, the Committee considers that the system could develop into a powerful instrument of the accountability system. The Committee encourages the Secretary-General to pursue his efforts to put those measures into effect.**

29. **Notwithstanding the changes made to the compact system, the Advisory Committee still considers that there is little evidence that the senior managers' compacts have had any real impact on enhancing accountability.** In this regard, the recent experience in the management of the enterprise resource planning project is not very encouraging (see A/66/7/Add.1). Despite the magnitude of the project and the level of resources involved, as well as its strategic importance to the Organization and the involvement of managers at the most senior levels in its governance structure, the General Assembly was informed only at a very late stage of a two-year delay in implementation, as well as of the departure of the project Director. Furthermore, the Committee is not convinced that a full analysis of the causes and circumstances surrounding the delay has been carried out. The Committee also notes that little information has been provided to the Assembly on

the actions taken to date to implement the measures contained in its resolution 66/232 concerning the governance and management arrangements for the project. **The Advisory Committee expects the Secretary-General to implement those measures without delay.**

30. **In the view of the Advisory Committee, this case represents a clear example of failure of accountability, and also illustrates a lack of application of the principles, mechanisms and methods of accountability in the day-to-day management of operations. Furthermore, it proves that the introduction of administrative processes and procedures represents merely a first step towards achieving a results-oriented and fully accountable Organization, and that these processes and procedures will have little effect unless they are applied in an environment with a strong culture of accountability focused on achieving results, supported by robust systems for the delegation of authority and rewards and sanctions.**

31. As indicated in paragraph 41 of the Secretary-General's report, staff rule 10.1 (b) provides a mechanism by which a staff member may be required to reimburse the Organization in whole or in part where a wrongful or improper decision is determined to be wilful, reckless or grossly negligent (see also A/66/692, para. 44). The Advisory Committee was informed, upon enquiry, that there was no limit on the level of cost recovery. The Committee requested additional information on the number of cases in which such recovery actions were undertaken in 2011 but was informed that the Secretariat was not in a position to provide this information within the time frame for the issuance of the present report because the required data would have to be gathered manually from all duty stations (see paras. 7 and 8 above).

32. In paragraph 35 of his progress report, the Secretary-General indicates that if performance shortcomings are not rectified following remedial actions, the withholding of a salary increment or the non-extension or termination of a contract may be considered. The Advisory Committee requested additional information on the number of staff who had been subject to the withholding of salary increments, non-extension or termination of their contract for performance reasons in 2011, but the Secretariat was unable to provide this information for the same reasons cited in paragraph 31 above.

33. Upon enquiry, the Advisory Committee was provided with additional information on: (a) the number of staff having have been granted continuing appointments pursuant to the reform measures approved by the General Assembly in its resolution 65/247 and the related financial implications (see A/66/692, para. 27); (b) the number of cases of misconduct in which disciplinary measures had been taken (ibid., para. 36); (c) the number of cases in which staff had been protected under the whistleblower policy (ibid., para. 72); and (d) the number of cases in which staff had been the subject of sanctions/reprimand for violating the "zero-tolerance" policy on gifts or hospitality imposed under the Supplier Code of Conduct (ibid., para. 74). This additional information provided is included in annex I to the present report.

34. With regard to the performance of senior managers (see A/66/692, para. 29), the Advisory Committee was informed that the standards of conduct for the international civil service developed by the International Civil Service Commission were applicable to all staff, including senior managers.

F. Reform of the performance appraisal system

35. In paragraph 20 of its resolution 64/259, the General Assembly noted with concern the delay in the implementation of Inspira and its impact on the ability of the Secretary-General to provide a comprehensive reform effort regarding performance management, emphasized the need for its timely implementation and further stressed that the value added by such systems was dependent on its effective utilization by staff to achieve the intended results.

36. Information on the reform of the performance appraisal system is provided in paragraphs 34 to 44 of the Secretary-General's progress report. He indicates that a new policy on performance management has been introduced as part of the reform of the performance appraisal system. The Advisory Committee will comment further on the policy comprehensively in the context of its consideration of the Secretary-General's proposals on human resources management, to be submitted for consideration by the General Assembly at the main part of the sixty-seventh session. Pending consideration of those proposals, the Committee provides, in the paragraphs below, preliminary observations and comments on some aspects of the new policy on performance management.

System of rewards and sanctions

37. In paragraph 16 of its resolution 64/259, the General Assembly requested the Secretary-General to establish proper accountability mechanisms for underperformance at all levels. A clearly defined system of rewards and sanctions constitutes a pillar of an effective accountability framework, and is specifically included in the definition of accountability established by the Assembly in paragraph 8 of the same resolution.

38. The provision included in the Secretary-General's new policy for identifying and addressing performance shortcomings prescribes a series of actions for handling cases of underperformance, including: remedial measures in the form of counselling; transfer to a more suitable function; and additional training and/or the institution of a time-bound performance improvement plan. Should the performance shortcomings not be rectified following such remedial actions, the withholding of a salary increment or the non-extension or termination of a contract may be considered (A/66/692, para. 36). Upon enquiry, the Advisory Committee was provided with additional information on the manner in which underperformance is addressed in the Secretariat (see annex II).

39. From the provisions of the new policy and the additional information provided to it, the Advisory Committee notes that the accountability mechanisms for addressing performance shortcomings focus primarily on training and guidance. **While recognizing that such an approach can encourage excellence and prevent future underperformance, the Advisory Committee believes that a more robust system of sanctions to address the underperformance of staff is desirable. As discussed in paragraph 15 above, a system of rewards and sanctions is essential to creating a culture of accountability and responsibility. Accordingly, the Committee recommends that the Secretary-General be requested to assess and rigorously apply the accountability measures in place for dealing with cases of underperformance and to report comprehensively on the matter in the context**

of the above-mentioned consideration of human resources management issues by the General Assembly.

Global distribution of e-PAS ratings in 2011

40. Upon enquiry, the Advisory Committee was provided with additional information (see annex III) showing: (a) the average rating distribution for 2003-2009 under the previous rating scale (1 to 5) as compared to the rating distribution for 2010-2011 under the new rating scale (1 to 4). The Committee notes that under the previous rating scale 45 per cent of staff members exceeded performance expectations (37 per cent frequently and 8 per cent consistently), whereas under the new rating scale, only 23 per cent of staff exceeded performance expectations. The Committee was informed that the new rating scale aimed to provide the Organization with a means of differentiating between "good" and "excellent" performers. The statistics showed that when managers were pressed to make a determination, many chose to rate their staff members as "good" instead of "excellent". In contrast, the percentage of staff not meeting or only partially meeting expectations remained unchanged, between 0.1 and 1 per cent. In the Committee's view, the continued low percentages of poorly rated performance may be indicative of reluctance on the part of managers to engage in meaningful discussions with poorly performing staff and to give candid performance evaluations and/or of weaknesses in the management skills of supervisors.

41. **The Advisory Committee considers the introduction of the new assessment methodology to be a positive development, which could contribute to making the performance appraisal process more objective, and should have every prospect of improving staff performance. The Committee recommends that the Secretary-General be requested to continue to monitor and analyse performance data on the global Secretariat and to report on the evolution of trends and patterns of performance ratings and on the effects, if any, of the new ratings system on staff performance and the performance appraisal process.**

G. Selection and appointment of senior managers

42. The General Assembly in paragraph 19 of its resolution 64/259, recalling paragraph 28 of the report of the Advisory Committee (A/64/683 and Corr.1), requested the Joint Inspection Unit to submit a report, at the main part of its sixty-sixth session, on possible measures to further enhance transparency in the selection and appointment process of senior managers. As indicated above, the report of the Joint Inspection Unit entitled "Transparency in the selection and appointment of senior managers in the United Nations Secretariat" is contained in document A/66/380. The Secretary-General's comments are contained in his related report (A/66/380/Add.1). **The Advisory Committee encourages the Secretary-General to put into practice effective measures for enhancing the transparency of the process for the selection and appointment of senior management.**

H. Enterprise risk management and internal control framework

43. In paragraph 31 of its resolution 64/259, the General Assembly requested the Secretary-General to work on enhancing the current capabilities in the Secretariat responsible for risk assessment and mitigation and internal control, on the basis of

the recommendations in paragraphs 49 and 50 of the report of the Advisory Committee (A/64/683 and Corr.1) and annex II to the report of the Secretary-General (A/64/640).

44. The proposals of the Secretary-General concerning the enterprise risk management and internal control framework are set out in paragraphs 46 to 66 and in the annex to the progress report. The Advisory Committee notes that the Secretary-General has defined an overall policy for enterprise risk management and internal control as well as a methodology and tools for its implementation. He indicates that the policy was developed in close consultation with the oversight bodies, various organizations of the United Nations system and selected Secretariat departments, and that it provides a consistent and comprehensive risk management methodology designed to address both the strategic risks associated with the execution of the Organization's mandates and objectives and the risks inherent in the daily operations that support the achievement of those mandates. He further indicates that the framework builds on the approach to risk management already embraced by different parts of the Organization and that it can be applied throughout the entire Secretariat. The Committee notes that, with the support of OIOS, the Department of Management is working on the implementation of the enterprise risk management policy and methodology in selected departments representing the diverse functional areas of operation of the Organization. In this context, the Committee was informed that two risk assessment case studies had been completed, namely at the Office for the Coordination of Humanitarian Affairs and at the Economic and Social Commission for Western Asia. **The Advisory Committee welcomes the progress made thus far towards the development of the enterprise risk management framework.**

45. The Advisory Committee further notes that the capital master plan has been applying proactive risk management since its inception, and has developed a comprehensive risk register used for the daily management of the project (A/66/692, paras. 60-62). **The Advisory Committee recommends that the Secretary-General be requested, in the context of his next progress report on the capital master plan, to report on lessons learned and the impact of proactive risk management on accountability.**

46. In paragraph 6 of the annex to his progress report, the Secretary-General provides a definition of enterprise risk management, stating that it "is effected by governing bodies, management and other personnel and applied in strategy-setting throughout the Organization". In paragraph 8 of the annex, the Secretary-General states that in the area of governance, the implementation of the framework will lead to an "increased capability of senior management and the governing bodies to make informed decisions regarding risk/reward trade-offs related to existing and new programmes through the adoption of a structured approach for the identification of opportunities to enhance the allocation of resources throughout the Organization and to reduce related costs".

47. **While recognizing that effective and efficient enterprise risk management should form an integral part of an organization's governance system, the Advisory Committee believes that there is a need to clearly distinguish between the respective roles and responsibilities of the governing bodies and management. Accordingly, the Committee recommends that the Secretary-General be requested to review his enterprise risk management policy, focusing**

on the Secretariat's role and responsibilities in the management of the risks of its operations.

48. The roles and responsibilities of the internal control governance structure are set out in paragraphs 51 to 54 of the progress report. The Advisory Committee notes that the Secretary-General has designated the Management Committee as the body of the Secretariat responsible for enterprise risk management and that the Under-Secretary-General for Management will serve as the high-level official responsible for leading this effort in the Secretariat. The Committee further notes that once the enterprise risk management framework has been fully implemented throughout the Organization, OIOS will no longer perform risk assessment exercises, avoiding any overlap or duplication of functions, but will continue to be responsible for evaluating the effectiveness of the internal control environment, including the Secretariat's risk management process, and will also review the results of the risk assessments as part of its audit planning exercise. **In this context, the Advisory Committee recalls paragraphs 39 (a) and (b) of its report on the comprehensive review of governance and oversight within the United Nations and its funds, programmes and specialized agencies (A/61/605).**[3]

Implementation of enterprise risk management

49. The Secretary-General indicates that, at present, a limited temporary capacity for the implementation of the enterprise risk management is set up within the Office of the Under-Secretary-General for Management, which would need to be converted to a dedicated capacity and provided with the requisite resources to extend its work Secretariat-wide and to assume the responsibilities described in the policy outlined in the annex to his report (A/66/692, para. 63).

50. The action requested of the General Assembly in connection with the implementation of enterprise risk management is set out in paragraph 67 of the progress report. The Secretary-General is requesting: (a) that the Assembly endorse his proposal to establish a dedicated enterprise risk management and internal control function within the Office of the Under-Secretary-General for Management to work on the enhancement of the current capabilities for risk assessment and mitigation and internal control, as requested by the Assembly in its resolution 64/259; and that (b) in considering the project as one of the highest priorities of the Organization, the Secretariat temporarily meet those requirements from within existing resources and subsequently define a proposal for submission to the Assembly in the context of the 2014-2015 budget.

51. **Concerning the action requested of the General Assembly, as set out in paragraph 67 of the report of the Secretary-General, the Advisory Committee notes his intention to meet the requirements for dedicated enterprise risk management and internal control function temporarily from within existing resources. In this connection, the Committee recalls the views expressed in**

[3] (a) The Secretary-General is responsible for establishing a comprehensive risk management framework and for managing risk; the related audit function is to monitor and evaluate the adequacy and effectiveness of the Organization's risk management;
(b) The Secretary-General is responsible for the maintenance of an effective internal control regime, which is also assessed by the audit function. Responsibility for internal control activities at all levels of the Organization should be clearly assigned and built into the accountability framework.

paragraph 50 of its previous report (A/64/683 and Corr.1), that risk management needs to be embedded in the various departments rather than in a separate structure.

I. Concrete measures to prevent potential conflict of interest in the current process governing procurement

52. In paragraph 32 of its resolution 64/259, the General Assembly requested the Secretary-General to report on concrete measures to prevent potential conflict of interest in the current process governing procurement and measures aimed at improving recovery actions. In paragraphs 68 to 81 of his report, the Secretary-General outlines specific measures with respect to: ethics and integrity training; whistleblower protection; the United Nations Supplier Code of Conduct; gifts and hospitality; post-employment restrictions; financial disclosure requirements; compliance monitoring; accountability and delegation of authority; the Headquarters Committee on Contracts and local committees on contracts; the Award Review Board; and the Senior Vendor Review Committee at Headquarters.

53. The Advisory Committee enquired whether the Secretariat had consulted Member States during development of the United Nations Supplier Code of Conduct. It was informed that the Code had been developed by the United Nations Procurement Division in close consultation with the Office of the Global Compact. Furthermore, consultations had been held with internal stakeholders, including the Internal Audit Division of OIOS, the Office of Legal Affairs, the Office of the Global Compact, the members of the Inter-Agency Procurement Working Group and the bureau of the United Nations Global Marketplace.

54. **The Advisory Committee recommends that the Secretary-General be requested to report fully on concrete measures to prevent potential conflicts of interest in the current process governing procurement in the context of the next progress report on accountability.**

J. Results-based management and performance reporting

55. The Advisory Committee notes that the report of the Secretary-General does not cover the requests of the General Assembly concerning results-based management and performance reporting, indicating that it was considered premature to report on those matters since further progress is expected over the coming months. In this regard, the Secretary-General states that it is his intention to fully harmonize and integrate his results-based management proposals with other accountability and performance-related initiatives resulting from the change management exercise, as well as to conduct a thorough examination of the experience of other organizations that have introduced results-based management (A/66/692, para. 4).

56. In its definition of accountability, the General Assembly highlighted that accountability included achieving objectives and high-quality results in a timely and cost-effective manner as well as the accurate and timely reporting on performance results (resolution 64/259, para. 8). **The Advisory Committee considers that results-based management and performance reporting are essential pillars of a comprehensive accountability framework. In this context, recalling its report**

on the proposed programme budget for the biennium 2012-2013 (see A/66/7), the Committee trusts that ongoing work by the Secretary-General on the results of the change management initiative will be completed in a timely manner and that those initiatives requiring legislative approval will be presented as soon as possible.

57. The Advisory Committee has been informed on numerous occasions that the Secretariat's current information systems cannot adequately support results-based management and that the enterprise resource planning system (Umoja) would be necessary for that purpose. In his previous report, the Secretary-General indicated that Umoja would link resources to objectives and would also allow assessment of the performance level of a programme relative to the resources provided to it (A/64/640). The Committee recalls that, in his second report on progress in the implementation of the enterprise resource planning project, the Secretary-General indicated that a standardized methodology for results-based management would have to be adopted as a prerequisite to the integration of the required results-based management and performance functions into Umoja (A/65/389, para. 63). **The Advisory Committee trusts that the development of such a standardized methodology for results-based management is in progress.**

Annex I

Statistical information

1. Misconduct and disciplinary measures
(see A/66/692, para. 36)

Number of cases of misconduct in which disciplinary measures have been taken

	1 July 2009-30 June 2010	*1 July 2010-30 June 2011*
Cases received	167	123
Cases closed:	100	271
Dismissals	13	14
Other disciplinary measures	16	93
Administrative measures	36	19
Decision to take no action after initial review	4	80
Decision to take no action after full analysis including staff members' comments	21	38
Separation of staff member prior to the completion of the disciplinary process	10	26
Other		1

During the period from 1 July 2009 to 30 June 2010, 29 per cent of the cases that were closed ended in a dismissal or other disciplinary measure, whereas this percentage increased to 40 per cent during the period from 1 July 2010 to 30 June 2011. The number of cases received during the period from 1 July 2010 to 30 June 2011 (123) represented 0.30 per cent of the total staff population of 40,000 individuals. Similarly, disciplinary measures imposed during the same period (107) represented 0.26 per cent of the total staff population.

This information is also provided on a regular basis in the context of the annual report of the Secretary-General on disciplinary matters, submitted in response to General Assembly resolution 57/267.

2. Whistleblower protection policy
(see A/66/692, para. 72)

The whistleblower protection policy, set out in the Secretary-General's Bulletin on protection against retaliation (ST/SGB/2005/21), mitigates the risk of conflicts of interest in the procurement process by providing protection to individuals who report misconduct or who cooperate with authorized audits and investigations. The Advisory Committee requested additional information on the number of cases in which staff had been protected under this policy. It was informed that during the period from August 2007 to November 2011, the Ethics Office had received a total of 200 enquiries with respect to the policy. Of those, 118 were requests for advice or enquiries that fell outside of the mandate of the Office. Preliminary reviews of the remaining 82 complaints were initiated to determine if a

prima facie case of retaliation could be established. Of the 67 complaints for which preliminary reviews were completed, the Ethics Office determined that five were prima facie cases of retaliation and referred those cases for formal investigation. One case resulted in a finding of retaliation and recommendations were issued by the Ethics Office pertaining to disciplinary actions and corrective measures, pursuant to the relevant provisions of ST/SGB/2005/21. On three occasions, interim relief was provided for complainants during the period between the finding of the prima facie case and the outcome of the investigation.

3. Gifts and hospitality
(see A/66/692, para. 74)

The Advisory Committee requested additional information on the number of cases of staff who had been the subject of sanctions/reprimand for violating the "zero-tolerance" policy on gifts or hospitality imposed under the United Nations Supplier Code of Conduct. It was informed that since 2007, disciplinary/administrative action had been imposed on nine staff members in connection with conduct involving acceptance of favours, gifts, hospitality or the like, from vendors/vendor representatives. In addition, since 2006, the Ethics Office had received a total number of 313 requests for advice related to gifts and hospitality, 58 of which had been received in 2011.

4. Continuing appointments
(see A/66/692, para. 36)

Since 30 June 2009, approximately 60 staff members have been granted continuing appointments. To date, only staff having successfully completed a competitive examination as defined under staff rule 4.16 (national competitive recruitment examination, G to P or language examinations) have been reviewed for continuing appointments.

The granting of continuing appointments does not entail financial implications, given that the remuneration package for continuing/permanent appointments and fixed-term contracts is the same.

The first exercise for reviewing all other categories of staff for continuing contracts has yet to be launched. This is, in part, because the one-time review of permanent appointments, which is in its final stages, must to be completed before the number of continuing appointments available will be known. Furthermore the Secretariat is in the process of finalizing the related administrative instruction, taking into account comments received from all stakeholders. The first exercise is expected to be launched in the second half of 2012. Eligible staff will be considered in accordance with the criteria set out in the Secretary-General's Bulletin on continuing appointments (ST/SGB/2011/9).

Annex II

Underperformance by staff

The United Nations tackles the problem of underperformance through training and guidance. The promulgation of ST/SGB/2011/5 made performance management training mandatory for managers and supervisors at all levels. A core element of this programme is handling underperformance. Methods include, counselling, training, coaching, performance improvement plans and (if such a plan has been implemented but has been unsuccessful) the option of withholding salary increments.

Managers are also briefed on the role of informal dispute resolution, including the services of the Ombudsman and mediation services for assistance with handling underperformance.

These initiatives are intended to ensure that cases of underperformance are dealt with effectively and with respect for staff members' due process rights. The managerial training programme is constantly evaluated for its usefulness and effectiveness and the feedback received to date is that the component on handling underperformance is very useful.

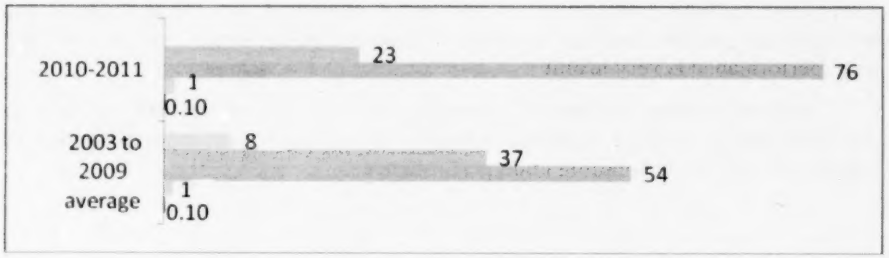
Targeted training of human resources and executive office staff, as well as senior managers, is also carried out to ensure that managers and supervisors receive appropriate advice on handling underperformance.

Annex III

Global distribution of e-PAS ratings: comparison of 2003-2009 and 2010-2011 averages

(Percentage)

Performance cycle	*Does not meet*	*Partially meets*	*Fully successful*	*Frequently exceeds*	*Consistently exceeds*
2003 to 2009 average	0.10	1	54	37	8
	Does not meet	*Partially meets*	*Successfully meets*	*Exceeds*	
2010-2011	0.10	1	76	23	
Difference	Unchanged	Unchanged	22	-22	



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Proposals for a more effective and efficient utilization of resources for air travel

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on proposals for a more effective and efficient utilization of resources for air travel (A/66/676). The report of the Secretary-General was submitted pursuant to section IV of General Assembly resolution 65/268, in which the Assembly requested the Secretary-General to report on the implementation of the resolution, including the measures set out in the annex, and on practical steps taken to enhance the effective and efficient utilization of resources for air travel in the United Nations. During its consideration of the report, the Committee met with the representatives of the Secretary-General, who provided additional information and clarification.

2. The Advisory Committee recalls that the standards of accommodation for air travel in the United Nations are governed by General Assembly resolutions and decisions, including resolution 42/214; section IV, paragraph 14, of resolution 53/214; section IV of resolution 60/255; section XV of resolution 62/238; section II of resolution 63/268; section IV of resolution 65/268; and decision 57/589. In his report, the Secretary-General proposes a number of measures that are intended to respond to the request of the General Assembly to enhance effective and efficient utilization of resources for air travel. The report also provides information on the coordination of air travel across the United Nations system, use of frequent flyer miles for official travel, tracking of costs associated with commercial air travel in the Secretariat, implementation of the travel module of the enterprise resource planning project, Umoja, and delegation of authority to grant exceptions for first-class air travel.

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II. Overall observations

3. The Advisory Committee stresses that resources for official travel should be utilized judiciously in the interest of the Organization. The Committee emphasizes therefore that before official travel is authorized as a means to implement mandated activities, full account of its cost-effectiveness and the impact on productivity resulting from prolonged absences from the office while travelling should be taken into account to determine whether other means of representation and methods of communication can be utilized instead (see also paras. 24-26 below).

4. While the report of the Secretary-General sets out a series of proposals intended to respond to the request of the General Assembly, the Advisory Committee is not fully satisfied with the quality of the report. The Committee particularly regrets that the report does not contain sufficient data and detailed analysis to facilitate a better understanding of the measures presented and notes that a number of proposals are not adequately elaborated.

5. The Advisory Committee re-emphasizes that all proposals presented by the Secretary-General to the General Assembly must always be accompanied by clear justifications to substantiate them and thus facilitate decision-making. In the particular case of the proposals for the effective and efficient utilization of resources for air travel, information on cost savings on the one hand, and the potential impact on staff productivity, working hours lost or gained and effective mandate implementation on the other, should have been clearly demonstrated. The Committee is of the view that, in order to assess the full impact of the measures, the Secretary-General should be requested to submit an initial report to the General Assembly at its sixty-seventh session and to report regularly thereafter on the cost savings, working hours lost or gained and the impact on productivity and effective mandate implementation resulting from each measure put in place.

6. As a result of the lack of sufficient details in the report, the Advisory Committee made many enquiries of the representatives of the Secretary-General for additional information in order to assess the merits of each measure. In making its conclusions and recommendations in the paragraphs below, the Committee took into account the additional information it was provided. However, in some cases, the representatives of the Secretary-General informed the Committee that the requested information did not exist, including data on the overall expenditure for air travel across the United Nations system. In this context, the Committee recalls that the General Assembly had previously noted with concern the lack of consolidated and comprehensive data on air travel across the United Nations system (resolution 65/268, sect. IV, para. 11).

III. Recommendations on specific proposals

Frequent flyer miles

7. The General Assembly decided to consider, at the first part of its resumed sixty-sixth session, the issue of a system for allowing United Nations staff to provide data on frequent flyer miles accrued as a result of official air travel (resolution 65/268, sect. IV, para. 15). The Assembly also requested the Secretary-

General to update the relevant administrative instruction to instruct staff to collect and, where possible, use frequent flyer miles to fund official travel, and not to use frequent flyer miles accrued as a result of official travel for personal travel (ibid., annex, para. 2 (e)). The Assembly further requested the Secretary-General to continue exploring, in the context of section II, paragraph 3, of resolution 63/268, all possible options, including using frequent flyer miles accumulated by staff members from official travel to purchase and upgrade tickets where appropriate (ibid., para. 2 (f)).

8. The Advisory Committee notes from section IV of the report of the Secretary-General that a comprehensive review was conducted of the potential application of frequent flyer miles for official travel within the United Nations. The review concluded that the United Nations could not achieve any savings through a formal programme that manages frequent flyer miles for official travel, and conversely, that, in fact, such a programme might incur significant additional expenditure (A/66/676, para. 64). **The Advisory Committee accepts the Secretary-General's conclusion; however, in view of the evolving nature of the practices of the air travel industry, the Committee nonetheless encourages the General Assembly to request the Secretary-General to continue to monitor industry best practices in this area.**

9. In light of the conclusion of the review that a formal frequent flyer miles programme is not feasible, the Secretary-General proposes that the administrative instruction on official travel instead be amended to instruct all staff of the United Nations not to use, for personal travel, any frequent flyer miles gained as a result of conducting official business on behalf of the Organization and to encourage all officials of the United Nations to use the frequent flyer miles gained as a result of conducting official business on behalf of the Organization for official travel where feasible (see A/66/676, paras. 5 and 87).

10. Upon enquiry as to the enforceability of the two proposals, the Advisory Committee was informed that staff members could be required to provide information on existing personal frequent flyer miles accounts to the Organization for auditing purposes, in a manner similar to the United Nations Financial Disclosure Programme. The Committee was further informed that an across-the-board monitoring of frequent flyer miles accounts would not be feasible; instead, the Organization would have to rely on spot audits by the Office of Internal Oversight Services.

11. **The Advisory Committee recognizes the difficulty in the strict enforcement of the measures outlined above. The Committee also notes the conclusion from the comprehensive review that airlines would not disclose data on mileage accrual to the Organization, as it would violate data privacy laws (A/66/676, para. 53 (d)). In addition, the Committee notes that the implementation of the measures in the manner indicated by the Secretary-General would not incur any financial costs for the Organization and would generate some savings. For these reasons, the Committee sees merit in instructing all staff of the United Nations not to use, for personal travel, any frequent flyer miles gained as a result of conducting official business on behalf of the Organization, and in encouraging all officials of the United Nations to use the frequent flyer miles gained as a result of conducting official business on behalf of the Organization for official travel, where feasible. The Committee considers that the Organization can rely on the integrity of staff in the usage of miles earned through official travel.**

Advance purchase of tickets

12. The General Assembly requested the Secretary-General to update the relevant administrative instruction to instruct staff where possible to purchase tickets at least two weeks in advance of travel (resolution 65/268, annex, para. 2 (e)). In paragraphs 6 and 88 of his report, the Secretary-General states that all heads of offices and departments have been instructed to ensure that, as of 1 June 2012, all travel arrangements for individuals travelling on behalf of the United Nations are finalized 16 days in advance of commencement of official travel. This proposal is therefore already being implemented.

13. Upon enquiry as to the rationale for the 16-day threshold, the Advisory Committee was informed that after studying advance purchase options, it was discovered that the "sweet spot" of discounts for advance purchasing was 14 days prior to the commencement of travel. An additional two days were deemed necessary to allow for the processing and issuance of tickets, hence the proposed 16 days. The Committee was further informed that bookings made three months in advance would be highly restrictive, with limits to the number of changes that could be made. Such tickets are frequently non-reimbursable therefore increasing the risk to the Organization in the case of changes. It was further explained that a two-week advance purchase period would cover most discounted airfares.

14. **The Advisory Committee firmly believes that better planning of official travel, advance booking and timely purchase of tickets are important factors in enhancing effective and efficient utilization of resources for air travel. While recognizing that for operational reasons certain official travel cannot be planned and finalized in advance, there are other pre-planned events, such as major conferences and meetings, where the dates and level of participation are known well in advance. In addition, travel on home leave can also normally be planned in advance, considering that staff may in some cases choose not to exercise the lump-sum option, in which case the ticket would be purchased by the Organization at the cost of the applicable class of air travel accommodation. In such cases, the Committee believes that advance booking and purchase of tickets is feasible, and the Secretary-General should be requested to actively explore doing so in advance of the stipulated 16 days. The Committee also recommends that the Secretary-General be requested to ensure that unwarranted changes to advance bookings are discouraged and that all changes are approved by the appropriate authorizing official (see also para. 26 below).**

Online booking

15. The General Assembly requested the Secretary-General to explore the option of online booking (resolution 65/268, annex, para. 2 (f)). In paragraph 7 of his report, the Secretary-General indicates that, following review by a consultant, the requirement for an online booking tool was included in the current travel agency contract, and a phased implementation of online booking was scheduled to start in April 2012. In addition, the possibility of online booking has been incorporated in the workflows of the travel module of Umoja. The Secretary-General further states that not all United Nations itineraries lend themselves to online booking; a majority still require manual booking and intervention by qualified agents.

16. Upon enquiry, the Advisory Committee was informed that the new contract signed with a vendor would enter into force as of 2 April 2012 and would result in

savings equivalent to 6 per cent in comparison with the existing contract. With respect to the continued use of manual booking by qualified agents, the Committee was informed upon enquiry that online booking tools were not sophisticated enough at this stage to deal with multiple-leg itineraries or to utilize airfare saving tools. **The Advisory Committee expects that the Secretary-General will report back on the savings and efficiencies achieved through implementation of this measure, including by demonstrating a direct link between the reduced cost of the contract with the vendor and the use of online booking, which would entail reduced usage of travel services. While noting the limitations identified, the Committee recommends that the Secretary-General be requested to keep the option of full online booking under review in the context of implementation of Umoja and to report thereon to the General Assembly at a later date.**

Standards of accommodation for air travel

17. In paragraph 10 of its resolution 65/268, the General Assembly requested the Secretary-General to present proposals on the conditions under which staff members below the level of Assistant Secretary-General may travel in business class. In paragraphs 8 and 89 of his report, the Secretary-General proposes that travel at the class immediately below first class for flights exceeding nine hours be maintained for staff members and members of committees and panels. He proposes that all other travellers, including consultants and individual contractors, be required to travel in economy class, unless he determines otherwise taking into account the circumstances of the traveller (i.e. health reasons and the interests of the Organization).

18. As concerns consultants and individual contractors, the Advisory Committee recalls that these are by definition a clearly distinct category of personnel engaged on an ad hoc basis and for specified short-term periods to provide expertise not otherwise available in the Organization or expertise not considered to be cost-effective to maintain in-house on an ongoing basis. As such, payment for the expenses incurred for the professional services rendered to the Organization by consultants and individual contractors is based on an all-inclusive fee that covers the costs of the performance of their contracted functions, including official travel. **Consequently, the Advisory Committee has no objections to the measure establishing economy class as the standard of accommodation for air travel for consultants and individual contractors, unless determined otherwise by the Secretary-General taking into account the circumstances of the traveller (i.e. health reasons and the interests of the Organization).**

19. With respect to the proposal of economy class for all other travellers, the Advisory Committee notes that the report of the Secretary-General is lacking specific information on the types of travellers that would be included in this broad phrase. Upon enquiry as to the scope of the term "all other travellers", the Committee was provided with the following list: applicant, household member, consultant, trainee, intern, meeting participant, subcontractor, volunteer, Government representative, representative of least developed countries, military observer, police monitor, medical personnel, Government civilian personnel, Government military personnel, international contract personnel, expert (excluding high-level expert) and adviser. The Committee was further informed that the category "international contract personnel" no longer existed in the United Nations Secretariat. The Advisory Committee addresses the measures related to consultants, trainees and subcontractors in paragraphs 18 and 37 of the present report. **The Advisory Committee points out**

that the Secretary-General offers no justification for the other listed categories of travellers being subject to a different standard of accommodation from staff members and members of committees and panels. While the Secretary-General's summary of the proposal in paragraph 89 of his report is limited to consultants and individual contractors, the Committee is of the view that if the Secretary-General wishes in future to apply the proposal beyond the categories of consultants and individual contractors, clear analysis for each category of personnel listed above would need to be provided to the General Assembly.

20. Regarding the Secretary-General's proposal to maintain the nine-hour threshold for business class travel, the Advisory Committee was informed upon enquiry that the basis for maintaining the threshold was that it achieved an optimal balance between savings to the Organization and efficiency considerations, bearing in mind that air travel is an official function and not a matter of choice and that a large amount of travel takes place over weekends and at night and to destinations where strenuous conditions prevail. The Committee was further informed that the Secretary-General also took into consideration the practices of other international organizations. **The Advisory Committee is not fully convinced by the Secretary-General's rationale for maintaining this arrangement or by his assertion that nine hours is the specific point at which an optimal balance between savings and efficiency considerations is achieved. While at present not objecting to maintaining this arrangement, the Committee recommends that the Secretary-General be requested to re-examine this issue and to report thereon to the General Assembly at its sixty-seventh session in the context of the initial report referred to in paragraph 5 above.**

Daily subsistence allowance

21. The Secretary-General proposes that daily subsistence allowance be paid from the first day officials arrive at a location to the last night they spend at that particular location of official business, thereby discontinuing the payment of in-flight daily subsistence allowance, unless it can be supported with documentary evidence (such as hotel bills) that expenses were incurred for early check-in or late check-out (A/66/676, paras. 9 and 90). The proposal is made on the basis that officials do not incur any expenses while in flight.

22. Upon enquiry as to the role of the International Civil Service Commission in establishing daily subsistence allowance rates, the Advisory Committee was informed that the Commission determined the methodology for setting the daily subsistence allowance rates and calculated and promulgated the rates for all locations. The Committee was further informed that while these rates were applied by all common system organizations, individual organizations had different implementation arrangements for specific scenarios.

23. The Advisory Committee was further informed, upon enquiry, of the projected savings resulting from the proposal. Based on an assumption of an estimated 6,800 international official trips undertaken from Headquarters and an average daily subsistence allowance rate of $200, it is expected that the elimination of daily subsistence allowance payments for nights spent on planes would result in savings of approximately $1,360,000. **In light of the explanation provided, the Advisory Committee has no objections to the measure.**

Alternatives to air travel

24. The Secretary-General proposes the inclusion in the revised administrative instruction on official travel of a provision that requires programme managers to certify that due consideration was given to achieving the purpose of the particular travel through alternative methods, such as telephone conferencing, videoconferencing or webcasting, before approving any official travel (see A/66/676, paras. 11 and 91). In this connection, the Advisory Committee recalls that in the context of its review of the proposed programme budget for the biennium 2012-2013, it had expressed the expectation that continued efforts would be made to utilize videoconferencing and other electronic means of communication where possible, and its view that maximum use should be made of staff assigned to duty stations or to nearby regional or subregional offices, in order to reduce the need for travel (see A/66/7, para. 104).

25. Upon enquiry, the Advisory Committee was informed that the proposed certification would be provided to the Executive or Administrative Officers of the respective department before tickets were issued. The Committee was also informed that the determination as to whether such alternative methods should be used was within the purview of the substantive programme managers. Furthermore, in most offices and departments, travel plans were approved at the Director, Assistant Secretary-General or Under-Secretary-General levels.

26. **The Advisory Committee emphasizes that the primary consideration in authorizing official travel should be whether direct face-to-face contact is necessary for mandate implementation. If not, then alternative methods should be employed. Therefore, the Committee recommends that programme managers be required to certify, before approving any official travel, that alternative methods, such as telephone conferencing, videoconferencing or webcasting, would not be effective and that travel is therefore necessary.**

Mode, date and standard of accommodation

Other models of transportation

27. The Secretary-General proposes to include in the administrative instruction on official travel a provision encouraging other modes of transportation that may be beneficial to the environment but do not increase the cost of travel (A/66/676, paras. 12 and 92 (a)). Upon enquiry, the Advisory Committee was informed that while currently the normal mode of official travel in the United Nations was by air, three routes — New York/Washington, Geneva/Paris and Brussels/Paris — lent themselves to travel by train. The Committee was further informed that for a round trip out of Geneva, the average cost by rail was CHF 454, while the average cost by air was CHF 530. The New York/Washington route by air would cost approximately $500 during the work week, while the cost by train would range between $300 and $400. **While the Advisory Committee is not in a position to make a judgement on the environmental impact of the measure, it encourages other modes of travel where it is feasible, cost-effective and does not increase travel time.**

Most direct and economical route

28. The current travel policy provides that the normal route for all official travel shall be the most direct and economical route. The Secretary-General proposes

eliminating the term "most direct" from this provision to administer official business travel using alternative routing, including connecting rather than non-stop service, when substantial savings can be incurred, provided that the total time for scheduled stops for change of planes or other purposes does not exceed four hours (A/66/676, paras. 13 and 92 (b)). Upon enquiry, the Advisory Committee was informed that the proposal would allow the United Nations to mandate, where possible, connecting flights as compared to more expensive non-stop flights, while making every effort to reduce the inconvenience to the traveller by limiting additional travel time to four hours. The Committee was also informed, upon enquiry, that replacing the phrase "most direct and economical route" with "most economical and direct route" would produce the same effect as the Secretary-General's proposal, as the phrase "most economical" would then take precedence over the phrase "most direct", while maintaining the principle that direct routing was preferable to extensive detours, which might have an impact on staff productivity.

29. **The Advisory Committee is mindful of the need to balance cost savings with staff productivity. While accepting that travel should be primarily through the "most economical" route, the Committee nonetheless deems the term "most direct" a relevant consideration in the routing of official travel. For these reasons, the Committee is of the view that replacing the phrase "most direct and economical route" with "most economical and direct route" would be sufficient to give primacy to achieving economies and therefore permit alternative routing, including connecting rather than non-stop service, when substantial savings can be incurred, provided that the total time for scheduled stops for change of planes or other purposes does not exceed four hours.**

Official travel combined with home leave or family visit

30. The Secretary-General proposes that when official travel is combined with home leave or family visit travel, the standard of accommodation for travel by air for the entire journey, including the official business travel, would be the standard of accommodation for air travel on home leave or family visit travel at the least costly airfare (that is, economy class), irrespective of the duration of the particular journey (see A/66/676, paras. 14 and 92 (c)). **The Advisory Committee has no objections to the measure.**

Flying time of each leg of a journey

31. The determination of the standard of accommodation for a journey is currently made on the basis of the combined flying time of all legs of the journey to a given destination, provided the journey is not interrupted for official stops of more than one day. The Secretary-General proposes that the standard of accommodation for air travel for each journey be determined independently and on the basis of the flying time of each leg individually, unless travel is resumed or continued on the same day to the final destination (A/66/676, paras. 15 and 92 (d)).

32. Upon enquiry, the Advisory Committee was informed that current rules allow combining the flying time of official legs of travel to reach a business class entitlement if they are interrupted by only one overnight stop or less. For example, a return trip from New York to Brussels with an official stop in Geneva would currently carry a business class entitlement if the traveller continued the journey within one day of arriving at each official stop. Under the new proposal, this trip

would carry an economy class entitlement, as each official leg of the journey (all less than nine hours) is calculated separately. The Committee was further informed of the projected savings to be gained from the proposal, owing to the change from business to economy class, using two examples of journeys with overnight stops: New York/London/Nairobi ($3,745) and New York/Paris round trip, departing one day after arriving ($2,775). The Committee was also informed that if travel continued on the same day to the final destination, the flying time of the official legs of a journey could be combined to reach a business class entitlement.

33. **In light of this information, the Advisory Committee has no objections to the measure.**

Connecting time

34. The Secretary-General indicates that at present up to four hours for connections between flights is included in the overall flying time of a particular journey when determining the standard of accommodation for air travel. The Secretary-General proposes that the maximum connecting time to be considered in the computation of the total journey time be reduced to two hours (A/66/676, paras. 16 and 92 (e)). Upon enquiry, the Advisory Committee was informed that reducing the connecting time considered allowable in the calculation of the total journey time from four to two hours would reduce the number of instances for which business class travel was granted. The Committee was further informed that this was a fair balance, as it recognized, on the one hand that a long journey was often constituted of several parts and the journey was not over until all parts were completed, and on the other hand that, when the waiting time is long enough, it does not create additional stress. This rule would be applicable when travel was resumed or continued on the same day to the final destination. **In view of this explanation, the Advisory Committee has no objections to the measure.**

Travel for learning and development activities

35. The Secretary-General proposes that economy class be established as the standard of accommodation for air travel for all officials whose travel is associated with attendance as participants in learning and development activities (A/66/676, paras. 17 and 92 (f)). Officials who travel as instructors, or as part of their official duties, will travel on a standard of accommodation that is based on the normal determination of the standard of accommodation.

36. The Advisory Committee notes that learning and development are defined in the Secretary-General's bulletin ST/SGB/2009/9 and that they refer to all training activities undertaken in the Organization. During the Committee's consideration of the proposed programme budget for the biennium 2012-2013, the Secretary-General had indicated, upon enquiry, that the administrative instruction on travel was being revised to require that staff participating in training-related activities funded by the Office of Human Resources Management would travel in economy class, irrespective of the duration of the travel. The Committee had welcomed this initiative (see A/66/7, para. 105).

37. **The Advisory Committee has no objection to economy class being established as the standard of accommodation for air travel by all officials whose travel is associated with participation in training activities, nor does it have an objection to officials who travel as instructors, or as part of their**

official duties, travelling on a standard of accommodation that is based on the normal determination of the standard of accommodation.

Travel for escorts accompanying evacuees

38. The Secretary-General further proposes that economy class be established as the standard of travel accommodation for escorts accompanying evacuees (A/66/676, paras. 18 and 92 (g)). Upon enquiry, the Advisory Committee was informed that the proposal referred to the medical evacuation of internationally recruited staff members and their family members, and locally recruited staff members and their eligible family members in the case of an acute life-threatening medical emergency, where available local facilities cannot adequately respond. An escort may be a physician or nurse authorized to escort the person or, in certain cases, a family member. In the event of a death, an escort may be authorized to travel to attend the burial and/or to escort the remains.

39. The Secretary-General proposes that escorts travel in economy class so that they may sit in the same cabin as the evacuees they accompany (A/66/676, para. 18). Upon enquiry, the Advisory Committee was informed that the normal standard of accommodation for air travel on medical evacuation was economy class, although the actual standard of accommodation was based on the recommendation of the United Nations medical officer or the United Nations dispensary physician. **In the light of the clarification provided, the Advisory Committee recommends that escorts travel in the same class as the evacuees they are accompanying.**

Voluntary downgrade from business to premium economy

40. The Secretary-General also proposes the introduction of a provision to encourage voluntary downgrade from business to premium economy or regular economy class (A/66/676, paras. 19 and 92 (h)). It is further proposed that the Organization consider covering charges for premium economy when a staff member has opted for a voluntary downgrade from a higher class of service. The Advisory Committee notes that such a provision would enable departments to undertake more official travel with the same amount of travel resources. **For this reason, the Advisory Committee has no objections to the measure, including the option for the Organization to consider covering the charges for premium economy.**

Travel time other than on home leave and family visit

Rest periods upon arrival

41. The Secretary-General proposes that the granting of rest periods (12 hours upon arrival at a given destination) be limited to economy class travel when the journey is more than 6 hours. The rationale provided is that officials travelling at the class immediately below first class are provided with a certain level of comfort that should allow them to report for duty within a reasonable time (4 hours) upon arriving at a given destination (A/66/676, paras. 20 and 93 (a)). Upon enquiry, the Advisory Committee was informed that the Secretary-General considered that economy class travellers on a journey of more than 6 hours (and travellers who opt for voluntary downgrades when flying for longer than 9 hours) did not have the same level of comfort as business class travellers and therefore would be required to report for work within 12 hours (instead of 4 hours) of arrival. **The Advisory Committee has no objections to the measure.**

Elimination of intermediate rest stops

42. The Secretary-General proposes eliminating intermediate rest stops, thereby saving on the daily subsistence allowance that such rest stopovers generate (A/66/676, paras. 21 and 93 (b)). Upon enquiry, the Advisory Committee was informed that the current travel policy allows a one-day rest stop for official trips exceeding a total flying time of 16 hours for each official leg. As an example, on a trip to New York from Bangkok, with a flying time of at least 20 hours, a staff member can request a one-day rest stop en route. The Committee was further informed that, in practice, most travellers do not avail themselves of a rest stop. Moreover, travellers on such long journeys would be entitled to business class, which is comfortable enough that a rest stop is not necessary. The Committee was also informed that this proposal would result in potential savings on daily subsistence allowance. **The Advisory Committee has no objections to the measure.**

Travel time on home leave or family visit

Travel time with the lump-sum option

43. The General Assembly requested the Secretary-General to explore options for the most effective use of the lump-sum scheme (resolution 65/268, annex, para. 2 (f)). The Advisory Committee notes that the current policy grants travel time on all home leave or family visit travel. The Committee was informed that one day of travel time is granted for each journey of less than 10 hours, two days for each journey of 10 hours or longer but less than 16 hours, and three days for each journey of 16 hours or more, thereby reducing the number of annual leave days required to undertake home leave or family visit travel. The Committee was further informed that the Secretary-General wished to ensure that annual leave was utilized at all times when the lump-sum option was chosen by a staff member.

44. The Secretary-General therefore proposes to limit the granting of travel time to staff members who actually receive an air ticket from the Organization. Consequently, for travel exercised through the lump-sum option, no travel time would be granted, as this option is normally utilized in lieu of all entitlements related to the particular travel (A/66/676, paras. 22 and 94 (a)). Upon enquiry, the Committee was informed that when staff members currently select the lump-sum option, they agree to waive some established entitlements that would be payable under the regular arrangement, such as the payment of air ticket, daily subsistence allowance en route, terminal expenses, excess baggage and unaccompanied shipment. Including travel time as one additional entitlement to be waived was not unreasonable in the opinion of the Secretary-General. Any travel time associated with travel on home leave and family visit travel would be charged to annual leave. **Taking into account the explanations provided, the Advisory Committee has no objections to the measure.**

Reduction of travel time to actual travel calendar days

45. The Secretary-General proposes to reduce the travel time granted for both the outward and the return journey on home leave or family visit to the actual travel calendar days, based on the authorized route (A/66/676, paras. 23 and 94 (b)). **The Advisory Committee has no objections to the measure.**

Lump sum

Terminology relating to the determination of lump-sum payment

46. The Secretary-General proposes that in the section of the administrative instruction on official travel that deals with determining the lump-sum payment, the phrase "75 per cent of the full economy-class fare" be replaced with "75 per cent of the least restrictive economy-class fare" by the least costly scheduled air carrier (A/66/676, paras. 24 and 95 (a)). The Advisory Committee notes that the proposal is made on the basis that this would align the terminology of the administrative instruction on official travel with airline industry terminology.

47. Upon enquiry, the Advisory Committee was informed that the term "full economy-class fare" was selected at the time of the introduction of the lump-sum scheme to reflect the use of an unrestricted airfare without advance purchase, stopover or other airline restrictions, previously designated under the "Y" class of airfare. It was indicated that this pricing structure and designator had since changed and that the proposed terminology of "least restrictive economy-class fare" would better reflect today's pricing structure and therefore allow travel offices tasked with determining lump-sum amounts to use the least restrictive airfare, even if it is not designated as a "Y" fare or as a full economy-class fare. The Committee was further informed that this change was not expected to have any direct impact on the actual lump-sum amounts to be determined by the Organization and was intended simply to clarify the type of airfares to be used for the calculation for the entitlement.

48. **In light of the explanation provided, and the assurance by the representatives of the Secretary-General that the proposal would not affect actual lump-sum amounts, the Advisory Committee has no objections to the measure.**

Expansion of lump sum

49. The Secretary-General proposes to expand the lump-sum option to include travel on initial appointment, transfer and assignment based on 75 per cent of the least restrictive economy-class fare (A/66/676, paras. 25 and 95 (b)). **Taking into account the information provided, as reflected in paragraphs 46 and 47 above, and in line with its position expressed in paragraph 48 above on the lump-sum scheme, the Advisory Committee has no objections to the measure.**

IV. Other issues

Tracking of costs

50. The General Assembly requested the Secretary-General to make a proposal for a mechanism to allow for the effective tracking of all costs associated with commercial air travel in the Secretariat (resolution 65/268, annex, para. 2 (a)). In his report, the Secretary-General states that such costs are directly recorded in IMIS at United Nations Headquarters, offices away from Headquarters and regional commissions and are captured in sufficient detail. However, it is indicated that peacekeeping missions and most of the special political missions use the Sun System application, which cannot track air travel charges in sufficiently detailed categories beyond the object of expenditure. It is expected that the implementation of Umoja will enable adequate tracking and classification of all air travel charges

(A/66/676, paras. 66 and 67). In this connection, the Advisory Committee recalls that in its report on information and communications technology, it had taken the position that Member States should be provided assurances that Umoja would be delivered in accordance with the revised timeline (see A/66/7/Add.1, para. 11). **The Advisory Committee looks forward to receiving further information on this issue once Umoja has been implemented.**

Umoja

51. The General Assembly also requested the Secretary-General to implement, as a matter of priority, the Umoja travel module to facilitate and better regulate all travel activities undertaken by the United Nations, including the collection of data necessary for negotiating global deals with airlines and airline alliances (resolution 65/268, annex, para. 2 (c)). In his report, the Secretary-General states that full deployment of Umoja is expected in 2015, with the complete travel module, comprising travel request, travel plan and travel expenses projected to be deployed in 2014 (see A/66/676, paras. 68-71). In this connection, the Committee recalls that in its report on information and communications technology, it had taken the position that Member States should be provided assurances that Umoja would be delivered in accordance with the revised timeline (see A/66/7/Add.1, para. 11). **The Advisory Committee looks forward to receiving further information on this issue once Umoja has been implemented.**

Delegation of authority to grant exceptions for first-class travel

52. In paragraph 8 of resolution 65/268, the General Assembly noted the increase in exceptions authorized by the Secretary-General in accordance with resolution 42/214, and requested the Secretary-General to make every effort to better govern the granting of such exceptions. The Secretary-General was also requested to introduce a set of clear and comprehensive guidelines to better regulate the authorization of upgrades in the class of air travel on an exceptional basis, inter alia, in the case of a medical condition, restricting such upgrades to business class at the highest, without prejudice to instances of medical emergency (resolution 65/268, annex, para. 2 (d)).

53. In his report, the Secretary-General explains that the circumstances meriting an exception are: (a) a medical condition; (b) the normal standard of accommodation is not available and the traveller is required to travel on a particular date; (c) the traveller is considered an eminent person; (d) the traveller is considered to be a prominent international figure and is donating services free of charge to the Organization; and (e) the traveller, after a full day's work, is required to travel in order to resume work immediately upon arrival at another location (A/66/676, para. 73). The Secretary-General also states that even when a medical condition exists, cases of upgrade to first class are very limited, with only one such case since 2009. Upon enquiry, the Advisory Committee was informed that during the period from 1 July 2010 to 31 December 2011, 31 exceptions were granted, none of which were on the grounds of a medical condition or with respect to an individual travelling after a full day's work to resume work at another location. **The Advisory Committee will further examine this issue in the context of the Secretary-General's biennial report on standards of accommodation for air travel submitted in accordance with General Assembly decision 57/589 and resolution 63/268.**

Procurement

54. The General Assembly requested the Secretary-General to ensure that the procurement process for all air travel management services contracts is conducted in full compliance with the general procurement principles set out in financial regulation 5.12, namely: (a) best value for money; (b) fairness, integrity and transparency; (c) effective international competition; and (d) the interest of the United Nations, and to ensure that the procurement process includes the option of awarding a contract to multiple vendors to allow for greater competition among the selected vendors (resolution 65/268, para. 6).

55. Upon enquiry as to the action taken on the request of the General Assembly relating to multiple vendors, the Advisory Committee was informed that the Secretary-General took this into account when conducting the recent solicitation exercise for travel agency services at Headquarters. It was indicated that the request for proposal for travel management services issued in January 2010 contained provisions which clearly articulated the Organization's option to split an award if it offered a best value for money outcome between multiple vendors. The Committee was further informed that when reviewing the proposals submitted by the vendors bidding for the account, the Secretariat noted that the use of single travel agencies was considered an industry best practice both in the private and public sectors. Since any contract for travel agency services today required the corporate client to pay for all expenses incurred by the agency, a split award would require the Organization to pay for duplicate set-ups of travel agency operations, including duplicate global reservation systems, sets of agents, location costs, telecommunication set-ups and administrative support. Therefore, in the event of a split award, the additional expenses incurred would increase the overall contract cost to the United Nations without any discernible benefit.

56. Furthermore, upon enquiry as to the cost of the contract with the vendor, the Advisory Committee was informed that the total travel agency cost for the United Nations, the United Nations Development Programme (UNDP), the United Nations Office for Project Services and the United Nations Population Fund (UNFPA) at Headquarters in 2011 was $2,978,977, while the cost for 2012 was estimated at $2,802,246. The Committee was further informed that this represented a cost avoidance of 6 per cent, or $176,731, while the volume booked by the United Nations travel agency out of New York had increased by 6.6 per cent. According to the representatives of the Secretary-General, the cost avoidance of 6 per cent was the result of moving agents off site to a lower cost location. Some efficiencies were also gained by combining the operations of UNDP, UNFPA, the United Nations Office for Project Services, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Secretariat in the off-site centre.

57. **The Advisory Committee is of the view that, given the cost involved, the General Assembly should request the Secretary-General to explore other cost-effective options in the procurement of air travel services, taking into account also the experiences of other organizations.**

Audit by the Office of Internal Oversight Services

58. The General Assembly requested the Secretary-General to entrust the Office of Internal Oversight Services with conducting a comprehensive audit of all air travel

activities and related practices (resolution 65/268, para. 12). Upon enquiry, the Advisory Committee was informed that the comprehensive travel audit by the Office of Internal Oversight Services was scheduled to begin in February 2012. **The Committee looks forward to receiving the outcome of the audit by the Office of Internal Oversight Services.**

Coordination

59. The General Assembly requested the Secretary-General to promote greater coordination across the United Nations system on air travel matters, including by leveraging the experiences of existing bodies, such as the Inter-Agency Travel Network (resolution 65/268, annex, para. 2 (b)). The Secretary-General indicates that the Inter-Agency Travel Network explored the possibility for global airline agreements and the conclusion was that these did not appear to be cost-effective. Instead, United Nations organizations use their combined purchasing power to achieve airline discounts (A/66/676, paras. 26-40).

Consultations with other entities and staff

60. The Advisory Committee sought clarification as to what would be the scope of application of changes to the current arrangements on air travel. The Committee was informed that, unless specifically excluded, the decisions of the General Assembly are binding on those organizations of the United Nations common system that apply the Staff Regulations and Rules of the United Nations. It is the understanding of the Committee that the Staff Rules are drafted in consultation with all the organizations that apply the Staff Regulations and Rules. In this context, the Committee also wishes to recall that the General Assembly has stressed the importance of a meaningful and constructive dialogue between staff and management, in particular on human resources-related issues, and has called upon both parties to intensify efforts to overcome differences and to resume the consultative process (resolution 63/250, sect. I, para. 2). **The Advisory Committee trusts that this would be ensured.**

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Report on the activities of the Office of Internal Oversight Services

Programme evaluation of the United Nations Stabilization Mission in Haiti

Report of the Office of Internal Oversight Services

"MINUSTAH proved resilient and mobilized effectively immediately after the earthquake, although its ongoing efforts to increase the capacity of the Haitian National Police and other rule of law institutions have faced challenges"

Summary

The Office of Internal Oversight Services (OIOS) conducted a programme evaluation of the United Nations Stabilization Mission in Haiti (MINUSTAH) to assess, in relation to its mandate, the Mission's relevance and effectiveness after the January 2010 Haitian earthquake.

The earthquake posed new challenges to the country and to the Mission. Although MINUSTAH suffered heavy losses, immediately after the earthquake it proved resilient. It effectively responded to acute needs, which both the country and the international community found invaluable, since the Haitian Government's limited capacity was absorbed by the earthquake's aftermath. The dedication of the staff of MINUSTAH and the United Nations system, and the solidarity of the international community, made the Mission's response possible.

In 2011, as the country recovered and reconstructed, MINUSTAH stayed relevant by: realigning its activities; focusing on maintaining political stability; facilitating the continued delivery of humanitarian assistance; restoring and reinforcing the capacity of the Haitian National Police; and capacitating judicial and correctional institutions. While the Mission also proved vital in carrying out national elections, a mismatch between the population's expectations, the Mission's mandate and its resources, combined with the cholera outbreak and allegations of sexual exploitation and abuse diminished public appreciation of the Mission and its achievements.

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The earthquake unfortunately halted any progress made by the Mission and the Government leading up to January 2010. After President Martelly's inauguration in May 2011, MINUSTAH shifted from emergency and recovery efforts back to its core mandate of institutional and capacity-building, particularly in the area of the rule of law. However, a subsequent political deadlock forced the Mission to devote most of its efforts to facilitating basic political consensus. Accomplishing the objective of transforming the Haitian National Police into a capable security institution remained distant. As a result, the overall capacity of the National Police remains weak, and it continues to rely on United Nations police for extensive operational support. There is a lack of oversight of National Police officers, and mid-level officers need additional training to provide proper supervision for the expanding body of young cadets. In addition, parallel reforms of the judicial and corrections institutions were unrealized. Despite demand-side factors, MINUSTAH and the United Nations country team in Haiti lacked a strong, integrated approach to overall United Nations support of rule of law reforms. Even when there was joint planning at the strategic level, it did not extend to the operational and technical levels.

As MINUSTAH moves towards transition and eventual exit, strengthening the rule of law in Haiti should remain the Mission's most central and urgent task. Simultaneously, the Mission must manage the inflated expectations of its many stakeholders. The success of MINUSTAH's efforts in establishing the rule of law hinges on mutual accountability between the Government of Haiti and the international community, both of which must ensure political reconciliation and work to increase the Government's self-reliance and reduce its dependence on external support for the provision of security and other services. MINUSTAH, the Government of Haiti and the international community all share responsibility for the strengthening and the reform of key institutions.

The present report includes a number of recommendations, some of which are aimed at improving the Mission's performance while others draw attention and seek solutions to structural impediments it confronted in the areas of integration and human rights.

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I. Introduction

1. In 2011, the Office of Internal Oversight Services (OIOS) conducted a programme evaluation of the United Nations Stabilization Mission in Haiti (MINUSTAH). The evaluation assessed the relevance and effectiveness of the Mission in carrying out its mandate after the earthquake of January 2010.

2. The earthquake created new challenges for the country and the Mission. Although MINUSTAH itself suffered heavy losses, it proved itself to be resilient immediately after the earthquake. It effectively responded to acute needs, which Haiti and the international community found invaluable, since the Haitian Government's limited capacity was absorbed by the earthquake's aftermath. The dedication of the staff of MINUSTAH and the United Nations system and the solidarity of the international community made the Mission's response possible.

3. The present report sets out the focus and methodology of the evaluation and provides background, briefly summarizing the Mission's history, mandate and resources. The results of the evaluation are presented, as are the conclusions and recommendations of OIOS to MINUSTAH and to relevant United Nations Departments.

4. When finalizing the report, OIOS consulted with MINUSTAH, the Department of Peacekeeping Operations and the Department of Field Support. The consolidated response from the Mission and the two Departments is contained in the annex to the report.

II. Focus and methodology

5. The evaluation focused on the performance of MINUSTAH between January 2010 and December 2011. OIOS considered the earthquake's impact on the Mission and how effectively it adjusted to the changed environment. While considering the Mission's performance in delivering on its mandate of facilitating humanitarian assistance, the evaluation does not, however, cover the coordination or the effectiveness of humanitarian assistance nor does it provide a thorough analysis of MINUSTAH's response to the crisis.

6. The evaluation answered the following questions:

(a) To what extent has MINUSTAH provided support to the Haitian Government and population?

(b) Has MINUSTAH stayed relevant in a changing context?

(c) What were the challenges to the effectiveness of the Mission?

7. The evaluation used the following data collection methods:

(a) A review of relevant documentation, including United Nations internal and official documents and external literature on Haiti (policy papers, population surveys and reports of human rights organizations);

(b) Two separate surveys used to obtain views of the MINUSTAH staff members and uniformed personnel on the Mission's achievements, management and challenges:

(i) An electronic survey of a random sample of 600 MINUSTAH staff members. The staff survey was carried out between 28 November 2011 and 20 January 2012, with a response rate of 60 per cent.[1] The results of the survey were triangulated with other sources of information to support some of the results presented in section IV below;

(ii) A survey of 43 MINUSTAH commanders, including the Force Commander, the Deputy Force Commander, commanders of 25 military units and 16 formed police units. With a response rate of 30 per cent (13 respondents) and a 95 per cent confidence interval of 23 per cent, the results were not relied upon in the subsequent data analysis;

(c) 172 semi-structured interviews conducted in person or over the telephone with:

(i) MINUSTAH staff members;

(ii) Officials of the United Nations country team in Haiti;

(iii) Staff members of relevant Departments of the Secretariat;

(iv) Officials of the Government of Haiti;

(v) Representatives of United Nations Member States;

(vi) Other external stakeholders;

(d) Direct observation of the functioning of MINUSTAH headquarters and regional offices and United Nations police in three settlements for internally displaced persons in Port-au-Prince.

8. Four internationally recognized researchers and experts in the peace and conflict arena who reviewed the terms of reference for the evaluation, including its design and methodology, and the draft evaluation report, provided comments and feedback to OIOS.

III. Background

9. In February 2004, the acting President of Haiti, Boniface Alexandre, appealed to the United Nations for international support to restore peace in the country. In response, the Security Council, by its resolution 1529 (2004), authorized the immediate deployment of a Multinational Interim Force in Haiti for a period of not more than three months. Subsequently, the Council, by its resolution 1542 (2004), established MINUSTAH, which formally took over authority from the Multinational Interim Force on 1 June 2004. Authorized under Chapter VII of the Charter of the United Nations, the Mission's mandate is to maintain a secure and stable environment, support political processes and promote and protect human rights. Four previous United Nations peacekeeping missions in Haiti had similar mandates.

10. After the 2006 elections in Haiti, the Security Council, in its resolutions 1743 (2007), 1840 (2008) and 1892 (2009), gave more prominence to the comprehensive reform of rule of law institutions, restructuring and building the capacity of the

[1] 99 per cent confidence level and a standard error of plus or minus 4.5 per cent.

Haitian National Police and supporting the Government in its efforts to pursue an integrated border management approach.

11. On 12 January 2010, a massive earthquake struck Haiti. The earthquake struck at a time when MINUSTAH was developing benchmarks and indicators of progress to guide its eventual exit from the country. The earthquake devastated the country and its people, causing massive structural damage and enormous material loss. Casualties at MINUSTAH reached 102 and included the most senior leaders of the Mission, representing the biggest loss of life for any single event in United Nations peacekeeping history.

12. In the aftermath, the Mission's leadership and command and control structure, and the United Nations ability to organize an emergency response to a crisis at the Headquarters and field levels, were tested. In response to the earthquake, the Security Council modified the Mission's mandate, increasing the overall force levels of MINUSTAH to support the immediate recovery, reconstruction and stability efforts from 6,940 to 8,940 military personnel and from 2,211 to 4,391 police.[2] MINUSTAH was requested to continue, within its mandate, its collaboration with the Office for the Coordination of Humanitarian Affairs and the United Nations country team in supporting the humanitarian and recovery efforts.[3] Its primary mandated task was to ensure a protective environment for all, including women and children.

Figure I
MINUSTAH timeline: 2010-2011

Integrated strategic framework and budget

13. According to its 2009-2012 integrated strategic framework (see table 1) MINUSTAH's overall objective was to help restore peace and security and further the constitutional and political processes in Haiti.[4] MINUSTAH's programme of work is organized into five components:

- Democratic development and consolidation of State authority
- Security, public order and development of the rule of law
- Human rights
- Humanitarian and development coordination
- Support.

[2] Security Council resolutions 1908 (2010) and 1927 (2010).
[3] Security Council resolution 1927 (2010), para. 5.
[4] A/63/709.

Table 1
MINUSTAH integrated strategic framework: 2009-2012

Components	*Expected accomplishments*
1. Democratic development and consolidation of State authority	1.1 All-inclusive political dialogue and national reconciliation in Haiti
	1.2 Strengthened democratic State institutions at the national and local levels
	1.3 State authority maintained and strengthened throughout Haiti
2. Security, public order and development of the rule of law	2.1 Secure and stable environment in Haiti
	2.2 Progress towards reform and restructuring of the Haitian National Police
	2.3 Reform and institutional strengthening of the judicial and correction systems
3. Human rights	3.1 Progress towards the promotion and protection of human rights, including those of women and children
4. Humanitarian and development coordination	4.1 Improved humanitarian situation and progress towards economic recovery and poverty reduction
5. Support	5.1 Effective and efficient administrative, logistical and security support to the Mission

Source: A/63/709, A/65/535, A/65/776 and A/66/658.

14. While the integrated strategic framework 2009-2012 has not undergone significant changes, the Mission realigned its operations to meet four new priorities during the emergency and three crisis response periods (see figure I):[5]

(a) Maintaining political stability in the wake of the loss of State capacity and the postponement of elections;

(b) Restoring the capacity of the national police and judicial and correctional institutions to ensure security and the rule of law;

(c) Increasing State capacity to protect the rights of vulnerable groups affected by the earthquake, in particular women and children;

(d) Ensuring effective delivery of humanitarian aid and a well-resourced recovery process.

15. The approved resources for MINUSTAH were $732 million for 2010 and $853 million for 2011.

[5] A/65/776, para. 13.

IV. Results

16. An assessment of MINUSTAH's performance immediately after the earthquake and of how well it adapted to the new priorities the earthquake's aftermath is presented below, including the Mission's accomplishments in its key mandated areas.

Imm diately after the earthquake, MINUSTAH demonstrated tremendous resilience in providing logistical support and facilitating coordinated emergency relief while recovering from its own losses

17. Immediately after the earthquake, when communications and access were difficult, MINUSTAH performed effectively in assuring security, providing transportation and coordinating the influx of humanitarian assistance (including numerous search and rescue teams). Partners and stakeholders praised MINUSTAH for its excellent performance under extremely difficult conditions, which included its own heavy losses of leadership, personnel and property.[6] The Mission quickly restored its leadership and command structure through the reassignment of personnel from Headquarters and other field missions. Additional resources made available by the Member States, the full delegation of authority by the Secretary-General over the utilization of resources, the dedication of MINUSTAH staff members and the solidarity of all United Nations offices contributed to the Mission's success during that time.

18. MINUSTAH proved vital to an efficient immediate recovery and the continued functioning of the entire United Nations presence in Haiti. By opening its logistical hub and regional offices to the United Nations country team and the wider humanitarian community, the Mission offered pragmatic solutions to meet overwhelming needs for accommodation, office space, water and food. Some agencies reported that they could not have operated without the support of the Mission.

19. Before the full deployment of the capacities of the Office for the Coordination of Humanitarian Affairs, the Mission facilitated the activities of the wider humanitarian community by leading the coordination of humanitarian assistance efforts, filling this important gap at a time when the leadership of the United Nations humanitarian assistance team was weak.[6] Since Haiti had no warring parties (unlike the situation at other peacekeeping missions), humanitarian workers were less concerned with the potential challenges to the humanitarian principles that might be posed by associating with the military. In that atmosphere, a relatively comfortable and productive relationship between humanitarian workers and the Mission evolved.

20. In response to the loss of life of key personnel in the Expanded Joint Operations Centre and the increased number of actors involved in the post earthquake response (including the presence of foreign military contingents from Canada, France, Italy, Spain, the United States of America and the States members of the Caribbean Community (CARICOM)), the Joint Operations and Tasking

[6] Inter-agency evaluation in Haiti: three months after the earthquake, August 2010.

Centre was established by MINUSTAH and the Office for the Coordination of Humanitarian Affairs to facilitate relief operations undertaken by the humanitarian cluster's partners and to establish liaison with foreign military disaster relief operations. The Centre streamlined requests for security escorts, minor engineering works and logistical support and also consolidated and shared updated security information. It functioned efficiently and relieved some of the coordination pressure from the Joint Logistics Operations Centre, which was thus free to focus on coordinating the considerable logistical needs of the Mission in managing its own post-earthquake recovery.

21. In light of the fact that the earthquake had caused the Government of Haiti to lose much of its capacity, MINUSTAH stepped in to fill the vacuum, providing indispensable logistics, communications, public information and infrastructure support. The Mission used its engineering assets to remove rubble and clear roads so that humanitarian assistance could reach the most damaged areas as quickly as possible. While commercial radio stations were unable to function immediately after the earthquake, MINUSTAH radio was in operation.

MINUSTAH established post-earthquake security, effectively provided electoral support and facilitated humanitarian assistance

22. From January 2010 to June 2011, Haiti was in a state of emergency.[7] As the country was recovering, MINUSTAH focused on three critical priorities, which are discussed in greater detail below:

(a) Ensuring a stable and secure environment;

(b) Providing electoral support and restoring State capacity;

(c) Facilitating the effective delivery of humanitarian assistance and crisis response.

Stability and security

23. Most stakeholders interviewed recognized the role of MINUSTAH in establishing a relatively stable and secure environment in the post-earthquake period. While the main threats to Haiti's security had been crime, civil unrest and natural disasters, no general breakdown of law and order occurred after the earthquake, despite heightened security risks, as exemplified by the majority of the prison escapees remaining at large and an increase in demonstrations during the election period.

24. To counter those threats, during the period under review, MINUSTAH military and police components carried out a large number of patrols, either alone or jointly with the Haitian National Police, and conducted targeted operations in high-risk areas. Between July and December 2010, the Mission carried out 47,814 patrols in settlements of internally displaced persons. Military and police reinforcement deployed fairly quickly. By June 2010 the number of deployed military personnel reached 96 per cent of the total authorized strength. For United Nations police the figure was 80 per cent.

[7] S/2010/200 and Corr.1.

25. MINUSTAH also responded to the population's growing vulnerability to new security risks and adjusted its security support measures accordingly. For example, the Mission conducted joint security assessments of settlements of internally displaced persons and created an internally displaced persons camp unit, which included a gender-based initiative. United Nations police maintained a presence in seven of the camps, and patrolled them (jointly with the Haitian National Police when available).[8] To deter crime, mobile squads patrolled other settlements and surrounding areas.

26. The population recognized the impact of those efforts. An external survey of 600 households in the metropolitan Port-au-Prince area in August 2011 showed that "the majority of Haitians believed that MINUSTAH was helping to control gang activities".[9] Similarly, the OIOS survey of MINUSTAH staff showed that 57 per cent of respondents rated the Mission's achievement in providing a secure environment as either good or excellent. Of MINUSTAH's partners, 52 per cent considered that its role in maintaining security was crucial.

Table 2
MINUSTAH staff rating of the Mission's progress: 2010 and 2011

	Good or excellent (Per cent)
Providing security in select camps for internally displaced persons	60.4
Maintaining a secure and stable environment	56.9
Assisting in effective delivery of humanitarian aid and a well-resourced recovery process	55.1

Source: MINUSTAH staff survey administered by OIOS, question 8.

27. Nevertheless, security conditions in Haiti remain fragile. The country faces continuing challenges, including inadequate security in large settlements for internally displaced persons, more frequent occurrences of sexual and gender-based violence and a resurgence of crime. The need for protection in temporary settlements, particularly for women and children, have far outstripped what the Haitian National Police and the United Nations police can jointly provide. The level of insecurity experienced by individuals living in temporary settlements exceeds that of the general population.[10]

Electoral support

28. MINUSTAH's role was critical to the success of the 2010-2011 elections. Stakeholders frequently reported that without MINUSTAH's support the elections would not have occurred. Given the slow progress of recovery and reconstruction at the time of elections, Haiti needed national leadership at the highest level. Electoral success was crucial to the country's stability. To assist in organizing the elections,

[8] Corail, Jean-Marie Vincent, Terrain Accra, Accra Nord/Sud, Champs de Mars, Carradeux and Pétionville-Club.

[9] See Grant Gordon and Lauren Young, "Haitian perspectives on MINUSTAH before the renewal of the mandate", Columbia University, Oct. 2011.

[10] See Robert Muggah and Athena Kolbe, "Security from the Bottom-up in Haiti: Before and After the Quake", Nov. 2011 (see http://embassymag.ca/page/view/muggah-11-02-2011).

MINUSTAH mobilized its technical knowledge, personnel, logistic and security resources, trained its Haitian counterparts, delivered ballots and materials, escorted and protected election observers and took the lead in coordinating the various entities providing international electoral assistance.

29. The Special Representative of the Secretary-General used his good offices, in collaboration with the international community, to help resolve the controversy over irregularities in the first round of presidential voting. This facilitated an outcome that was acceptable to key actors and led to a relatively successful second round. The election of a new President and the peaceful transfer of power, albeit after a turbulent process, including substantial political consultations behind the scenes, was a great success.

30. Electoral support, given its time-bound and action-oriented nature, normally involves transfer of knowledge to national counterparts. However, in Haiti, owing to the provisional nature of the electoral council and the restructuring of regional and communal electoral offices, few capacities were retained at the institutional level. In the post-election periods, MINUSTAH often did not have a national counterpart with whom to continue ongoing capacity-building activities. The Government's weak capacity, and the absence of a permanent electoral council, were unresolved issues during the period under review, and Haitian elections continued to rely on external support.

Facilitating humanitarian assistance and restoring the capacity of the Government

31. MINUSTAH's reach in all Departments of the country, its knowledge of the local communities and terrain and its established networks with national counterparts proved invaluable to the efficiency and success of relief operations. MINUSTAH supported and facilitated humanitarian assistance both in the immediate aftermath of the earthquake and beyond. Support took the form of security escorts, clearing roads and other civil-military joint actions. The Mission also used its military engineering and logistics assets to help the Government (particularly the key rule-of-law institutions) continue its operations (for example, building temporary structures for courts, police and other institutions). Such efforts, enabled by Security Council resolution 1927 (2010) and the special measures to loan United Nations-owned equipment to the Haitian Government, were critical in filling capacity gaps and ensuring the continued functioning of the Government as it struggled to recover.[11]

A mismatch between the population's expectations of MINUSTAH, its mandate and its resources, combined with the cholera outbreak, sexual exploitation and allegations of abuse, diminished public appreciation of the Mission and its achievements

32. With the exception of its role in maintaining stability and security, the Haitian population, in general, has little understanding of MINUSTAH's mandate.[9] In this regard, it is important to understand that in the post-earthquake period there was a great deal of confusion owing to the wide variety of tasks the Mission was carrying out, while the civilian arm of MINUSTAH and its work were not widely known.

[11] See S/2010/446, para. 30, and S/2011/183, paras. 37-41.

Due to the high visibility of the troops, MINUSTAH was sometimes equated with its military component alone.[10]

33. Expectations of MINUSTAH were significantly higher than what the Mission had been mandated to deliver in terms of assisting and supporting the Government of Haiti. Even some Government officials expected the Mission to supplement what the Government was lacking in capacity and resources and to develop the infrastructure of the country.

34. In the Departments, particularly in remote areas where the Government's presence was either limited or absent, the public expected MINUSTAH to provide services and to improve living conditions. In some cases, when funding was available, MINUSTAH intervened to bring some relief, but it was not resourced to fully meet wide-ranging expectations.

35. For example, some expected the medical services of the military contingents to be made accessible to the local population both before and after the crisis period. However, as governed by the memorandums of understanding with troop-contributing countries, such medical services are primarily for soldiers, and any other use would be at the discretion of the contingent commanders. During emergencies, or as part of civil-military cooperation initiatives, the medical services of some contingents have been opened to the local population, although on an ad hoc basis and on a limited scale. Neither MINUSTAH nor the military contingents had enough additional resources to sustain such practices routinely.

36. The mismatch between the population's expectations of the Mission and its mandate and resources caused frustration and disappointment. The cholera outbreak and the allegations of sexual abuse against MINUSTAH personnel contributed to negative perceptions of the Mission. External survey data showed that the majority of Haitians believed the Mission brought cholera to Haiti.[10] Some antagonism resulted, limiting staff mobility and interaction with the population, and obstructing the Mission's ability to carry out its work.

Quick-impact projects were widely used after the earthquake both to bring relief and build public confidence in the Mission

37. Quick-impact projects offered a means to increase the visibility of and public confidence in MINUSTAH. Most substantive components of the Mission used such projects to provide limited support to communities in need. While the budget for the projects remained at $7.5 million,[12] the budget ceiling for each project was raised, exceptionally, from $25,000 to $100,000.[13] Staff members involved in implementing the projects reported that the lower project limit had impeded the full potential of the projects to "win hearts and minds" and that the higher project ceiling was needed and valued.

38. There were a number of challenges to the implementation of the projects: project selection criteria were too general to provide useful guidance for project formulation; finding suitable implementing partners with needed technical expertise was difficult; and, at times, lengthy document processing and delays in issuing payments hindered project implementation and potentially weakened their

[12] A/C.5/65/19 and A/65/776.

[13] See A/65/776, sect. V.A.

confidence-building effect. Concerns were also expressed over the adequacy of engineering expertise at both the project review and implementation phases. Of the 229 projects implemented in 2010/11, 182 involved the rehabilitation of public infrastructure and the delivery of basic public services.

Although MINUSTAH made efforts to measure progress in its integrated strategic framework, the indicators of achievements still have limitations

39. An analysis of MINUSTAH's strategic framework showed that all except one indicator of achievement for its four substantive components (democratic development and consolidation of State authority; security, public order and development of the rule of law; human rights; and humanitarian and development coordination) are contingent on either the actions by the host Government or external factors beyond the Mission's control. For the latest reporting period, only 12 were achieved while 18 others were not. Two were partially achieved owing to the effect of external factors, including unpredictable political instability associated with the election cycle, lack of funding, low government capacity and/or lack of political will. These indicators of achievement represented well-intended efforts by MINUSTAH to measure outcomes, and clearly the Mission has made an effort to demonstrate trends when setting goals. However, they still have limitations and are not sufficient for informing judgement with regard to the Mission's impact in Haiti over time. Some indicators referred to one-time events, which did not allow for the detection of changes over time. Some examples of such indicators are provided below:

Component 1

1.1.2 Adoption of a bill on political party financing

1.2.1 Adoption by Parliament of a law on financial authority and accountability of local government structures and local tax reforms

1.3.4 Adoption of local tax reform enabling local authorities to increase their own resources of revenue

Component 2

2.3.4 Establishment of the Superior Council of Judiciary

Component 3

3.1.4 Ratification by Parliament of one of the three international child-rights treaties yet to be ratified.

MINUSTAH's efforts to build institutional capacity remained a key challenge to success after the earthquake

40. After the earthquake, MINUSTAH concentrated its efforts on three key distinct but related activities:

(a) Bolstering the Government's capacity to continue functioning;

(b) Supporting humanitarian assistance;

(c) Providing electoral support.

However, MINUSTAH's capacity-building efforts, in particular in institutional capacity-building in the rule-of-law sector, were brought to a halt by the earthquake and the ensuing political uncertainty, including the prolonged electoral cycle and delay in the formation of a government. The momentum gained prior to 2010 was lost.

41. Training and technical assistance to Haitian authorities became limited and only started to recover in 2011. The second progress report on implementing the integrated strategic framework for Haiti (2011) reported that, in the first half of 2011, among the five areas of work (institutional, territorial, economic, and social rebuilding and creating an enabling environment), institutional rebuilding (particularly in the areas of border management and strengthening of the justice system) showed the least progress.

42. MINUSTAH's efforts to build capacity during the period under review cut across all areas of its work. The Mission typically used technical assistance, coaching and advice to enhance the skills and capacities in various State institutions (including Parliament, the Ministry of Interior, justice sector institutions, the Haitian National Police and the Directorate of Penitentiary Administration). At the Departmental level, MINUSTAH provided extensive support to mayors, delegates and regional and communal electoral offices. Through collaboration with the United Nations Development Programme (UNDP), MINUSTAH recruited national officers to provide technical advice to some Government offices.[14] Such assistance was provided at both the national and commune levels. While the Mission met some demands for assistance, it could not meet all of them.

43. The strengthening of institutional capacity depends to some degree on the ability and the political will of the recipient to absorb assistance. In Haiti both of these elements were lacking at times. The lengthy period without a functioning Government impeded MINUSTAH's ability to build Governmental capacity. As new government officials took office, previously trained Government personnel were often not retained, and institutional memory and capacities were lost, with Mission personnel often serving as a stand-in for institutional memory and capacity. For example, MINUSTAH supported the preparation of the activity reports of the 140 communes for 2006-2011, which facilitated the transfer of power. With local authorities functioning at a low level due to inadequate resources and limited authority, it was difficult to build and sustain capacity.

While MINUSTAH provided valuable support to the Haitian National Police, the objective of the force becoming a capable security institution has not been attained

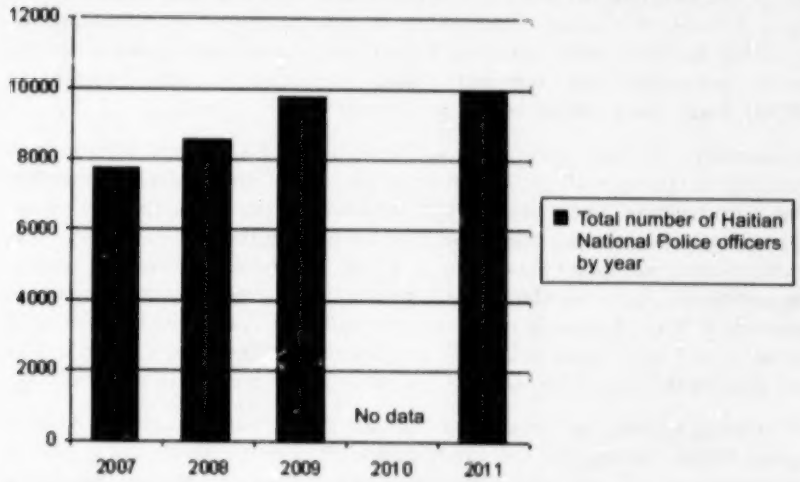
44. In addition to providing operational support, United Nations police were mandated to assist the Government of Haiti to reform and restructure the Haitian

[14] See S/2011/183, para. 37.

National Police.[15] Before 2010, some visible progress had been made: the Government had adopted a Haitian National Police reform plan 2000-2005 and the total number of Haitian police officers had grown steadily, albeit slowly.[16] Coupled with a significant decline in kidnapping cases, public confidence in the National Police had increased.[17]

Figure II

Increase in the total number of Haitian National Police: 2007 to 2011



Source: S/2011/540, para. 21; S/2010/446; S/2009/439, para. 32; S/2008/586, para. 26; and S/2007/503, para. 34. For 2010, no increase in numbers was reported as the police training programme was suspended after the earthquake.

45. Public confidence in the Haitian National Police continued to grow during 2010 and 2011. A 2010 household survey[18] showed that more than two thirds of those polled would first turn to the National Police if they or their property were under threat. Data from a survey of a different portion of the Haitian population in 2009 suggest that public confidence may have increased.[19] Other studies have cited Haitian poll results that ranked the National Police as the most reliable state institution.[20,21] The visibility of the National Police in the streets shortly after the earthquake demonstrated the resilience of the force to the tremendous challenges it

[15] Security Council resolution 1892 (2009), para. 10.

[16] The objective of the 2006-2011 national reform plan for the Haitian National Police was to reach a total of 14,000 officers by 31 December 2011.

[17] See Athena Kolbe et al., "Mortality, crime and access to basic needs before and after the Haiti earthquake", *Medicine, Conflict and Survival*, Vol. 26, Issue 4.

[18] The survey was administered by researchers affiliated with the International Development Research Centre, the Small Arms Survey and UNDP.

[19] Athena Kolbe and Robert Muggah, "Securing the State: Haiti Before and After the Earthquake", Small Arms Survey, *Small Arms Survey 2011: States of Security*.

[20] See Keith Crane et al., "Building a More Resilient Haitian State", RAND Corporation, 2010.

[21] See Timothy Donais, "Reforming the Haitian National Police: From Stabilization to Consolidation", in A. Thompson and J. Heine, eds., *Haiti's Governance Challenges and the International Community*, Wilfrid Laurier Press, 2010.

faced.[21] MINUSTAH contributed to these achievements through its continuous support in building and strengthening the force's operational capability.

46. In 2010-2011, the overall performance of the Haitian National Police still needed improvement. Corruption was reportedly widespread and there were reports of unprofessionalism, including the excessive use of force, human rights violations and poor investigation skills.[20] Some perceived that, since 2004, the quality of the National Police had only marginally improved, and few believed that it would be possible for MINUSTAH to transfer responsibility for security to the National Police over the next few years. Stakeholders sensed that progress in building the capacity of the National Police was fragile and that it could deteriorate when the Mission is disbanded. The National Police continued to rely heavily on MINUSTAH, particularly outside of Port-au-Prince.[20]

47. Furthermore, in 2010 the earthquake diverted MINUSTAH's efforts from police training to coping with the fallout from the natural disaster, which included rebuilding infrastructure. The training programme was suspended as the Parliament, with its quarters destroyed, temporarily used the facilities of the Police Academy. The recruitment process was delayed because of a lack of funding for medical testing. Since the earthquake, only one class (of 877 officers), the twenty-second promotion, has graduated. In 2010, the steady increase in the number of officers witnessed since 2004 halted — to resume again in 2011.[22] The disruptions caused by the earthquake may have reduced the size of the National Police by approximately 17 per cent.

48. The training strategy for the Haitian National Police was not optimal. At first, training was mainly focused on the lower ranks. As a result, there was a lack of training of mid-level officers, which ultimately affected the operational capacity of the force. Mid-level officers play an important role in overseeing and supervising often inexperienced police officers. In addition, training initiatives were often uncoordinated, and donors routinely implemented their own programmes that did not feed into a coherent training curriculum or strategy.

49. The earthquake also halted the vetting process for national police officers. Vetting helps ensure that officers meet ethical and professional standards, which contributes to restoring confidence in the Haitian National Police. Prior to the earthquake, MINUSTAH had played a key role in the vetting process.[23] Together with the Haitian National Police, MINUSTAH had initiated more than 7,000 vetting files, and had finalized roughly half of them.[24] While the vetting process had examined many case files, there was little action on results that revealed ethical and/or professional issues. While 138 officers had been deemed unfit for service, none had been relieved of duty,[24] with some cases still pending a final decision by the Conseil Supérieur de la Police Nationale after more than two years.

50. United Nations police had difficulty in finalizing the last stages of the vetting process. Many perceived a lack of commitment to reform both on the part of the Government and the Haitian National Police, although the slow progress could also be attributed to difficulties in obtaining reliable background information and keeping the joint vetting unit fully staffed. If a professional and ethical police force is to be established, the vetting process must be improved with respect to timeliness and

[22] Draft Haitian national police development plan 2012-2016, sect. D (obtained in Oct. 2011).

[23] Keeping Haiti Safe: Police Reform, International Crisis Group, 2011.

[24] Latest figure, as provided by MINUSTAH.

appropriate action must take place when the process identifies officers who are unfit for duty.

51. Many factors diminished the effectiveness of the support provided by United Nations police to the Haitian National Police. For instance, the MINUSTAH police component drew its personnel from over 50 police-contributing countries,[25] which resulted in substantial differences in officers' backgrounds and qualifications. With no common framework for various United Nations police functions, the approaches of individual officers sometimes resulted in confusion among their counterparts in the National Police. In addition, certain stakeholders questioned the competencies of some United Nations police officers to instruct or mentor Haitian police officers, owing in part to mismatches between an officer's skills and the functional requirements of a particular position.

52. The lack of French and/or Creole language skills of many United Nations police officers affected communications and trust-building in day-to-day cooperation. Both French- and Creole-speaking United Nations police officers were in high demand, and the Haitian National Police stated that cooperation and co-location with officers who did not share a common language were not effective. Language assistance was reported to be insufficient, and in temporary settlements for internally displaced persons there was reportedly no access to interpreters and/or translators.

53. The United Nations police saw political commitment as a prerequisite for the Mission in order for it to effectively support the Haitian National Police and for the success of police reform. Dialogue between MINUSTAH and the higher levels of National Police on police reform was reportedly limited, and the political vacuum in the Government for most of 2011 had worsened that situation. Without greater commitment on the part of the Government to reform and develop the National Police, the institutional and operational capacities of the force will remain weak.

MINUSTAH's support to strengthen rule of law in Haiti suffered multiple setbacks

54. Progress in building strong rule-of-law institutions has been insufficient. Compared with progress made in building the capacity of the Haitian National Police, progress in reforming the justice and corrections sectors lagged, accentuating the need for a comprehensive approach to the reform of the penal system. Numerous studies suggest that police reform would not succeed without parallel reforms of other rule-of-law institutions, including coordination among them.[26,27]

55. MINUSTAH's efforts in applying an integrated response to the rule-of-law challenges suffered multiple setbacks. In the first half of 2011, MINUSTAH discussed with key stakeholders a rule-of-law compact initiative that would serve as a tool to: (a) strengthen public demand for justice and legal security; and (b) ensure coordinated support from donors and the private sector for security and justice

[25] Troop statistics available from http://www.un.org/en/peacekeeping/resources/statistics/.

[26] See *World Development Report 2011: Conflict, Security and Development*, World Bank, Washington, D.C., 2011.

[27] The Organization for Economic Cooperation and Development *Handbook on Security System Reform* also underscores that police reform must be done as part of an integrated justice sector reform that includes the judiciary and prisons.

sector reforms.[28] However, the compact lost steam as political progress in Haiti was stymied by the legislative rejection of two nominees for the position of Prime Minister. After taking office, the new Government was not enthusiastic about reviving the rule-of-law compact discussions. Instead, it expressed interest in deliberating a national road map, highlighting priorities.

56. The Rule of Law Policy Group, formed in 2009 by MINUSTAH and the United Nations country team to strengthen sectoral coordination, did not visibly enhance operational coordination at the three intended levels: within the Mission, between Mission sections and members of the country team, and between the field and Mission headquarters. Over the past few years, however, MINUSTAH and UNDP have had joint programmes in selected areas of policing and justice. In this regard, MINUSTAH staff felt that cross-section/component coordination was lacking and that activities were planned and implemented in silos.

57. MINUSTAH has a position for a Rule of Law Coordinator, a position that carries significant authority given that it comes with responsibility for overseeing and prioritizing the Mission's activities in this arena. While efforts to empower the Coordinator were thwarted by the earthquake-induced halt to the Mission's capacity-building activities, ambiguity in reporting lines between the Rule of Law Coordinator and the relevant sections of MINUSTAH, such as the Justice Section and the Corrections Unit, may also have impacted the Mission's progress in this area. The intended leadership role envisioned for the Coordinator has not been realized, as demonstrated by the fact that the activities implemented by the Coordinator's office and the Justice Section sometimes overlap. At the time of the present evaluation, the Coordinator position had been vacant for more than six months. The Mission is re-evaluating the position in the context of adjusting its overall approach to building capacity and institutions.

58. Although building institutions, particularly in the rule-of-law arena, was viewed as a top priority for MINUSTAH going forward, it was unclear that the Mission and the United Nations country team in Haiti had a coherent strategy to do so since there were no imminent plans to revitalize the Rule of Law Policy Group to develop such a strategy.

Although effective integration with the United Nations country team is crucial for the transition, it has remained a challenge

59. MINUSTAH's field-based integrated strategic planning was active in the high-stress period after the earthquake. Compared with 2009, marked improvement was observed in relations between MINUSTAH and the United Nations country team in Haiti, as evidenced by more free-flowing communications and openness to engagement. This positive change was attributed to the development and implementation of the integrated strategic framework, the physical proximity of MINUSTAH and the country team and the engaging personalities and management styles of the senior leaders. Many anecdotal examples of constructive collaboration between MINUSTAH and the country team were provided.

60. While consensus was reached in strategic planning, it did not necessarily translate into better coordination or a more integrated approach at the technical and

[28] S/2011/183, paras. 42 and 43.

operational levels. Efforts to further integration, while commendable, were still mired in process. With regard to any increase in the joint nature of programme activities, very few systematic changes were discernible. Some partners stated that the United Nations presence in Haiti could deliver better as "One United Nations" by staying more informed about and by coordinating their programmes to a greater extent, at least within specific sectors.

61. Mission staff members saw gaps in communication and coordination with their agency counterparts. This was particularly evident in regions where the presence of United Nations agencies was limited and where the regional offices of MINUSTAH did not always have a regular channel of communication with the headquarters of the concerned agencies in Port-au-Prince. The level of coordination between regional offices of MINUSTAH and the country team varied between regions and was often determined by the initiative of individual staff.

62. The extensive demands in Haiti and increased donor contributions, which grew in the post-earthquake period, have resulted in a broader range of activities being carried out by United Nations entities. Most focus areas are interconnected, inevitably resulting in overlaps between the work of MINUSTAH and the United Nations country team. While such overlaps can be beneficial, in order to avoid duplication and inefficiencies, actors should coordinate, using complementary skills and resources.

63. The difficulties in realizing integration in Haiti are not atypical. The underlying issues are similar to those faced by the United Nations in its drive to achieve greater system-wide coherence in development assistance. These issues include differences in planning and funding cycles, sources and predictability of funding and lines of accountability to governing bodies.[29]

64. In addition, overlapping and discontinuity in international assistance in the areas of humanitarian assistance, development and security are not unique either to the United Nations or to Haiti. Concurrent interventions bring with them goals and activities that are not totally complementary and can at times work at cross-purposes. Funding streams from multilateral, bilateral and private sources, and different processes and speeds of decision-making, would complicate the coordination of international players in any country.[26] For these reasons, expectations of how quickly or how much further MINUSTAH will be able to integrate with the United Nations country team in the next couple of years must be realistic.

65. Nonetheless, the decision of the Secretary-General's Policy Committee on Haiti (decision 2011/24), and MINUSTAH's key planning documents for the near future set a clear direction that articulates requirements for progress and calls for the pertinent parties, the Government, MINUSTAH and the United Nations country team in Haiti, to join efforts. How well an integrated plan will be implemented remains to be seen. MINUSTAH's performance will depend, in part, on how well other United Nations agencies will deliver against the commitments they have made in an integrated plan and vice versa.

[29] See A/64/589.

After the earthquake, extended responsibilities to protect added complexity to pre-existing programme arrangements for implementing MINUSTAH's human rights mandate

66. The Human Rights Section of MINUSTAH has the role of mainstreaming human rights into the work of the Mission and monitoring and reporting on the related country's situation. As is typical at United Nations integrated peacekeeping missions, the Section also served as the representation in Haiti of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and after the earthquake it led the protection cluster for the global protection cluster (rather than the Office of the United Nations High Commissioner for Refugees (UNHCR) leading it).[30]

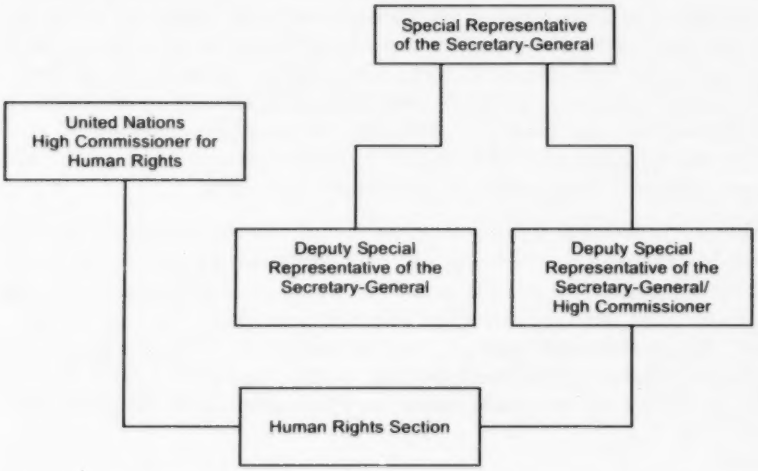
67. Thus, the staff of the Human Rights Section had three separate reporting lines, to:

(a) The United Nations High Commissioner for Human Rights (as the representative of OHCHR in Haiti);

(b) The Special Representative of the Secretary-General through the Deputy Special Representative of the Secretary-General (for political affairs);

(c) The Special Representative of the Secretary-General through the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator, who is in charge of humanitarian and development issues (as the protection cluster lead).

Figure III
Reporting lines of the MINUSTAH Human Rights Section


Special Representative of the Secretary-General
United Nations High Commissioner for Human Rights
Deputy Special Representative of the Secretary-General
Deputy Special Representative of the Secretary-General/ High Commissioner
Human Rights Section

68. The double-hatting, representing both MINUSTAH and OHCHR, is intended to allow the Section to promote and implement a "One United Nations" approach to human rights (see figure III). Operationally, double-hatting means that the Section

[30] UNHCR had two liaison officers in Haiti.

must submit separate budgets, workplans and annual reports. These demands not only increase the Section's workload but also pose difficulties for it in terms of ensuring a unified and coherent vision.

69. The human rights work carried out by MINUSTAH in the post-earthquake period focused on monitoring and mainstreaming human rights in rule-of-law institutions and building a protective environment (particularly for the most vulnerable population). The Human Rights Section coordinated with the Mission's Justice and Correction Sections and the police component to monitor human rights in detention centres and to mainstream human rights into the various training activities carried out by Mission staff and their Haitian counterparts. The Human Rights Section dedicated a Human Rights Adviser to the United Nations Police Commissioner. The adviser led the Section's response to human rights concerns affecting the Haitian National Police and the justice system, increased focus on related issues (including mentoring and vetting of the National Police) and initiated a joint security assessment of camps for internally displaced persons.

70. Protection issues were not prioritized across the cluster system in post-earthquake humanitarian assistance. This was attributed to weak leadership by MINUSTAH, which noted that it had committed inadequate resources to the work.[31] The Mission perceives that disagreement among cluster members on strategy and activities impeded their work. Some humanitarian organizations preferred an approach that focused on providing basic services for the most vulnerable, while others felt the cluster should focus on providing protection for the most vulnerable. There was also some disagreement on the extent to which the cluster should monitor and advocate a human rights-based approach to all clusters (to ensure that equal access to services is duly considered by humanitarian workers and agencies).

71. The Human Rights Section produced daily, weekly, monthly and annual reports, which were distributed only within the Mission and to the wider United Nations system (including OHCHR and United Nations Headquarters). Decisions on issuing human rights reports to the public were made on a case-by-case basis, depending on how best to use the reports strategically. MINUSTAH intentionally chose this strategy over a "name and shame" approach.

72. The policy directive on human rights in United Nations peacekeeping operations and political missions states that periodic six-monthly public reports monitoring human rights abuses should be the general rule.[32] However, since the earthquake, the only human rights reports shared publicly have been on human rights violations by the Haitian National Police.[33] A few external stakeholders who were interviewed by OIOS expressed interest in accessing more human rights reports from the Mission.

V. Conclusions

73. MINUSTAH proved resilient and mobilized effectively immediately after the earthquake, although its ongoing efforts to increase the capacity of the Haitian National Police and other rule-of-law institutions have faced challenges. As the

[31] "Haiti: still trapped in the emergency phase", Refugees International, field report, 6 Oct. 2010.

[32] Policy directive on public reporting by human rights components of United Nations peace operations and political missions, 1 July 2008.

[33] MINUSTAH press release, 27 December 2011 (http://minustah.org/?p=33385).

country was recovering and reconstructing, the Mission maintained its relevance by realigning its activities — focusing on maintaining political stability, facilitating the continued delivery of humanitarian assistance, trying to restore the capacity of the Haitian National Police and building the capacity of judicial and correctional institutions. During this period the Mission was also instrumental in supporting national elections.

74. After the inauguration of President Martelly in May 2011, MINUSTAH shifted from emergency and recovery efforts back to its core mandate of institutional and capacity-building, particularly in the area of the rule of law. Nevertheless, the subsequent political deadlock forced MINUSTAH to devote most of its strategic efforts to facilitating basic political consensus.

75. In contributing to the building of sustainable key State institutions, MINUSTAH has confronted hurdles, mainly due to political instability and weak absorptive capacities. This has resulted in weak national ownership of capacity-building initiatives. The Mission's work has also been hampered by the lack of a common United Nations approach to support rule-of-law institutions. While integration with the United Nations country team may have occurred at the strategic level, it did not always take place at the operational and technical levels. It is unclear, with different origins, funding sources, structures and mandates, exactly how the Mission and the country team can effectively work together to implement an exit strategy for the Mission.

76. Challenges remain: the misalignment between the high expectations held for MINUSTAH and its capacity to deliver poses risks to the reputation of the United Nations. Managing public expectations should be an integral element of the Mission's continued efforts to build public confidence.

77. As the Mission looks to ultimately leaving Haiti, the strength of the rule-of-law institutions, including the Haitian National Police, will be the most important yardstick. Building these institutions requires long-term efforts over time. The short-term planning cycle of peacekeeping missions, which creates pressure for immediate results, is not necessarily conducive to the long-term horizon needed for institutional sustainability.

78. Prioritization is therefore crucial. Strengthening rule of law should be a central theme. The Mission must focus on the urgency of this task and address the multiple bottlenecks in building institutions. In order for those efforts to produce sustainable results, MINUSTAH's actions must be matched with a willingness and ability on the part of the Haitian Government to reform and develop rule-of-law institutions. The resignation of Prime Minister Conille in February 2012, about which the Secretary-General and the Special Representative of the Secretary-General expressed deep concern, puts further progress in the area of rule of law at risk, since the Mission lacks a Government partner at the highest level with whom to liaise. Without national ownership of reforms, the police, justice and corrections institutions will remain weak, and results fleeting.

79. Successful institution-building requires mutual accountability between the Government of Haiti and the international community in order to ensure political reconciliation and to reduce the State's dependence on external support for security and other basic services. MINUSTAH, the Government of Haiti and the international community all share responsibility in strengthening and reforming key institutions.

MINUSTAH can facilitate more coordinated efforts by the international community based on a mutually agreed set of benchmarks. At the same time, Haiti also needs faster flowing and better coordinated development assistance in order to be able to take advantage of the current stability to lay a solid foundation for its socio-economic development and break the recurring cycles of violence and instability.

80. MINUSTAH is first and foremost a political instrument of the international community to assist the building of lasting peace and stability in Haiti. It is not an instrument that will deliver on all wishes, and its effectiveness and utility are dependent on concerted collective will. Stronger and consensual political support from Member States, particularly those in the Group of Friends of Haiti,[34] is imperative to enable MINUSTAH to carry out this role effectively.

VI. Recommendations

81. OIOS submits the following recommendations:

Critical recommendations

1. MINUSTAH should expedite consultations with Haitian counterparts for the early adoption of the proposed Haitian National Police development plan 2012-2016 and identify key priorities to better focus its own support, with input from the Department of Peacekeeping Operations.

2. MINUSTAH, together with the United Nations country team, should renew efforts to strengthen a common United Nations approach to supporting rule-of-law initiatives, while taking immediate action to coordinate the Mission's components. To that end, MINUSTAH should clarify and strengthen the role of the Rule of Law Coordinator.

3. MINUSTAH, alongside the international community, should develop a compact with the Government of Haiti to reform the rule of law and other essential governing institutions. Such a compact should formally set out responsibilities for achieving mutually agreed benchmarks and serve as a means to enhance mutual accountability among partners.

Important recommendations

4. MINUSTAH should examine the double-hatting of its Human Rights Section and propose means to: (a) assist the Human Rights Section to strengthen implementation of the human rights mandate; and (b) simplify and harmonize related programmatic reporting.

5. MINUSTAH should revisit its current practices of limited public reporting on human rights and release more comprehensive human rights monitoring reports on a regular basis.

[34] Argentina, Brazil, Canada, Chile, France, Mexico, the United States of America and Uruguay.

Annex

Memorandum dated 9 March 2012 from the Assistant Secretary-General for Field Support addressed to the Director of the Inspection and Evaluation Division, Office of Internal Oversight Services[a]: comments of the Department of Peacekeeping Operations, the Department of Field Support and the United Nations Stabilization Mission in Haiti on the report of the Office on the programme evaluation of the Mission

1. I refer to your memorandum, dated 24 February 2012, addressed to Mr. Ladsous and Ms. Malcorra regarding the above-mentioned evaluation. Please find below our comments on the findings and recommendations contained in the draft report. In formulating our response, we have conferred with the respective officials of the United Nations Stabilization Mission in Haiti (MINUSTAH) and their comments have been incorporated in this response.

Background

Paragraph 10

2. The Department of Peacekeeping Operations clarifies that the Security Council resolutions quoted are not limited to integrated border management approach, but also include efforts:

(a) To support the constitutional and political process under way in Haiti, including through its good offices and, in cooperation with the Government of Haiti, to promote all-inclusive political dialogue and national reconciliation;

(b) To accelerate efforts to reorient its disarmament, demobilization and reintegration efforts towards a comprehensive community violence reduction programme, as decided in Security Council resolution 1702 (2006), in close coordination with the Government of Haiti and other relevant actors;

(c) To provide operational support to the Haitian Coast Guard, and to invite Member States, in coordination with MINUSTAH, to engage with the Government of Haiti to address cross-border illicit trafficking of drugs and arms and other illegal activities.

3. The 2012-2016 Haitian National Police development plan addresses the strengthening of police service in Haiti. Capacity-building efforts for the Haitian National Police are centred on the National Police School (former Academy), which has been supported to provide basic training of recruits as well as specialized and in-service training. Police-contributing countries have also deployed skilled personnel to the development of the capacities and skills of the National Police, particularly in

[a] The Office of Internal Oversight Services (OIOS) herewith presents the full text of comments of the Department of Peacekeeping Operations, the Department of Field Support and the United Nations Stabilization Mission in Haiti (MINUSTAH) on the OIOS programme evaluation of the Mission. This practice has been instituted pursuant to General Assembly resolution 64/263, following the recommendation of the Independent Audit Advisory Committee.

areas such as sexual and gender-based violence, public security, close protection, crowd control, criminal investigation, anti-narcotics activities and civil protection.

Results

Paragraph 22

4. To be more accurate, we suggest amending the three points listed in the report to include a graduated time frame, as follows:

(a) January-June 2010: ensuring a stable and secure environment; facilitating delivery of humanitarian assistance; and rebuilding the Mission's capacity, including through the provision of care to staff affected by the earthquake;

(b) July-December 2010: ensuring a stable and secure environment; facilitating delivery of humanitarian assistance; providing electoral support; restoring and strengthening State capacity;

(c) January-June 2011: ensuring a stable and secure environment; facilitating cholera response; providing electoral support; strengthening State capacity; restarting pre-earthquake programmes.

Paragraph 30

5. The statement that few capacities were retained and that no capacity-building was done owing to the lack of a counterpart in the post-electoral period is incorrect. Despite the continued provisional nature of the Electoral Council and the restructuring of regional and communal electoral offices, the electoral management body at the central level, under the supervision of the Director-General, continues to function. MINUSTAH has managed to consolidate the capacity of the remaining Haitian electoral authorities while also retaining key institutional memory during this transitory period, allowing it to start working on the preparation of the upcoming elections. These achievements will allow a restructured electoral council to begin preparations for upcoming elections immediately following its creation, although it will need to continue to rely on external support in several areas.

Paragraphs 37 and 38

6. The findings in the report are in line with the overall findings of a comprehensive lessons learned study on the management of quick-impact projects in peacekeeping missions undertaken by the Policy, Evaluation and Training Division of the Department of Peacekeeping Operations and the Field Budget and Finance Division of the Department of Field Support in 2010/11. The lessons learned study identified, among other issues, the need to further streamline administrative and financial procedures in order to ensure that the confidence-building impact of quick-impact projects is not undermined by delays in processing payments and highlighted the need to make dedicated engineering expertise available for such projects. Furthermore, a key recommendation of the study was to increase the budget ceiling of projects from a maximum of $25,000 to $50,000 in order to: enhance the range of projects that could be implemented; ease the project management burden on missions by allowing them to implement a smaller number of slightly larger projects; decrease management costs relative to overall programme budget size; and enable missions to better attract reliable and capable implementing partners. Findings from the above-mentioned lessons learned study guided the revision of the Department of

Peacekeeping Operations/Department of Field Support policy directive on quick-impact projects (2007), which is currently being finalized.

Paragraph 54

7. The insufficient progress in building strong rule-of-law institutions was largely due to the lack of national counterparts with a clear will to reform, which has been the case until recently.

Paragraph 55

8. An important accomplishment worth acknowledging is the development of a national strategy on rule of law by a team assembled by the President of Haiti together with MINUSTAH. This strategy has been fully adopted by the new Government. The rule-of-law compact was proposed by the Group of Friends of Haiti at a meeting held in New York in October 2010, and MINUSTAH has begun the process of realigning its priorities and resources in support of that initiative. The compact was an idea of the donors, an idea of which the Haitian partners never officially approved, making it difficult to pursue. Also, the lack of political buy-in by the Government of Haiti has been a major factor affecting the development of rule-of-law institutions.

Paragraph 56

9. We suggest adding the following sentence at the end of the paragraph: "Especially after the earthquake, MINUSTAH and UNDP elaborated a joint emergency programme."

Paragraph 57

10. We suggest replacing the paragraph with the following text:

> "MINUSTAH included within its description of rule of law a broad range of issues, including border management, a functioning tax system and an operational public administration system in the regions. The Mission has a Rule of Law Coordinator position. While efforts to empower the Coordinator were thwarted by the earthquake-induced halt to the Mission's capacity-building activities, ambiguity in reporting lines between the Rule of Law Coordinator and the relevant sections of MINUSTAH, such as the Justice Section and the Corrections Unit, may also have impacted the Mission's progress in this arena. The intended coordination role envisioned for the Coordinator has not been realized, as demonstrated by the fact that the activities implemented by the Coordinator's office and the Justice Section sometimes overlap. At the time of the present evaluation, the Coordinator position had been vacant for more than six months. The Mission is re-evaluating the position in the context of adjusting its overall approach to building capacity and institutions. Meanwhile, coordination on specific rule of law issues is de facto taking place between Mission components, including the Justice Section, the Human Rights Section, the Corrections Unit and United Nations police. By the end of 2011, the Rule of Law Coordination office was facilitating coordination regarding the Mission's response to extended detention in police commissariats, with the operational sections deploying joint teams to the field and the Coordinator's office conducting coordination meetings."

Paragraph 58

11. We suggest adding the following text in the paragraph: "The Haitian National Police reform plan was to transform the development of the National Police into a modern, professional and democratically-oriented police service that will respect the human rights of the citizen and have the trust of the Haitian people. The time frame for implementation of the Haitian National Police reform plan marked a period of intense political activity, continued social tensions and a nearly continuous state of humanitarian crisis with the earthquake of 2010. These events have served to test the fragile and relative stability that Haiti has endured, highlighting the need for a more capable and more professional National Police. Hence the reform plan was indeed a clear and timely road map for ensuring a strengthened police institution that has served as the cornerstone for the continued stability of Haiti."

Paragraph 66

12. We request that the last sentence in the paragraph be amended to read: "As is typical at United Nations integrated peacekeeping missions the Human Rights Section also served as the representation in Haiti of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and after the earthquake it led the protection cluster for the global protection cluster."

Paragraph 68

13. The Human Rights Section noted that its double-hatting allows it to embody the kind of "One United Nations" integration that, by common consensus, is needed within the Organization. The Human Rights Section participates in MINUSTAH senior-level policy, strategy and programming meetings. It also sits in senior policy, strategy and programming meetings of the United Nations country team. Throughout 2010 and 2011, it was also a core member of the equivalent humanitarian cluster. Substantively, the Section emphasized that the double-hatted role allowed it to strengthen a holistic approach to human rights across the United Nations peacekeeping, development and humanitarian mandates. The key obstacles to turning this vote into a strength rather than a weakness is ensuring coherence in the demands from each different reporting line and ensuring that the Human Rights Section has the staffing capacity to manage the demands.

Paragraph 70

14. In order to more accurately reflect the facts, we suggest that the paragraph be reworded to read:

> "Through the Human Rights Section's leadership in human rights protection and humanitarian protection, MINUSTAH defined protection in terms of human rights and the mechanisms, such as law enforcement and justice, that help to ensure the respect and protection of human rights. This contrasted with definitions of protection from some actors in the humanitarian community, as including the distribution of food, shelter, water and sanitation support. MINUSTAH argued forcefully that the latter category of activities was already well-covered by the respective shelter, food, water, sanitation and hygiene and camp management clusters, and that including them within 'protection' would only serve to duplicate what was already being done by other clusters and to draw resources away from the human rights focus of protection, which no one

else was addressing. As noted above, the Human Rights Section emphasized that it found it extremely useful to be able to take a holistic approach to protection that embraced human rights, protection of civilians and humanitarian protection, avoiding the pitfalls of compartmentalized protection, and that allowed MINUSTAH to play an important role in the humanitarian cluster response in an area where it brought added value and remained within its core mandate. A particular strength of the Protection Cluster, derived from its leadership by a MINUSTAH mission component, was the fact that within four weeks of the earthquake it had regional clusters in six of Haiti's Départements, one subregion and one commune. Throughout the humanitarian response, the protection cluster had a much wider field presence than any other cluster or any other humanitarian actor, the large majority of which only functioned in Port-au-Prince."

Paragraph 72

15. In 2010, the Human Rights Section, through the protection cluster, publicly released monthly situation reports that included an analysis of the evolving human rights and protection situation, and the actions being taken. In spring 2011, the Section publicly released a joint United Nations (United Nations country team and MINUSTAH) report describing the situation of a wide range of economic, social, cultural, civil and political rights prepared for presentation to the Human Rights Council in the context of the universal periodic review of Haiti. In January, May and July 2011, under its Office of the United Nations High Commissioner for Human Rights (OHCHR) hat, the Section issued three press statements regarding, inter alia, forced evictions from post-earthquake camps. In December 2011, the Section released two reports of its investigations into a series of alleged illegal killings by the police. A few external stakeholders who were interviewed by OIOS expressed an interest in accessing more human rights reports from the Mission.

Paragraph 78

16. The issue on the resignation of the Prime Minister of Haiti should be mentioned as well as the efforts of MINUSTAH to liaise with the Government of Haiti for the urgent replacement of the Prime Minister.

Recommendations

Recommendation 1

17. We suggest that the recommendation be amended to include the following: "To that end, MINUSTAH should clarify the scope of rule of law, as applied in Haiti, and review and strengthen its approach to coordination of rule of law."

18. MINUSTAH concurs with the reworded recommendation. The 2012-2016 Haitian National Police development plan adopted by the Director-General of the National Police on 1 March 2012 is awaiting final approval from the members of the Superior Council of the National Police. MINUSTAH stands ready to further support the final approval phase as well as the implementation of the plan. Implementation of the recommendation is dependent on approval of the development plan by the Government of Haiti.

Recommendation 2

19. MINUSTAH concurs with the recommendation. MINUSTAH and the United Nations country team are currently in the process of drafting an integrated strategic framework for 2013-2016, which includes cooperation on rule-of-law issues. In February, MINUSTAH and the country team held a two-day retreat to discuss and formulate the integrated strategic framework, as well as to identify ways to strengthen a common approach on mandate implementation. Representatives of the Government of Haiti participated in several sessions of the retreat. It is expected that the consolidated integrated strategic framework document will be presented to the Government of Haiti for approval by June 2012.

Recommendation 3

20. MINUSTAH concurs with the recommendation. On numerous occasions, MINUSTAH has pushed for the elaboration and adoption of a global compact with the Government of Haiti. Despite these attempts, the Government of Haiti has never taken action. Efforts have been made and will continue to be made to push for the elaboration of such a compact. Implementation of the recommendation is dependent upon approval of the compact by the Government of Haiti.

Recommendation 4

21. We suggest that recommendation number 4 be reworded to read:

> "In light of double, and sometimes triple-hatting of human rights components in peacekeeping missions, OHCHR and the Department of Peacekeeping Operations should give further consideration to the number and level of staff at the D-1, P-5 and P-4 levels required by particular human rights components in view of their multiple mandates."

22. We trust that OHCHR will provide its comments on the recommendation. However, the Department of Peacekeeping Operations considers that the primary challenge created by the multiple-hatting was the lack of staffing resources at Mission headquarters to cope with the incoherent multiple programmatic responsibilities. When mission components are first being designed, additional consideration should be given to their staffing in order to ensure that they operate effectively.

Recommendation 5

23. We suggest that recommendation number 5 be reworded to read:

> "MINUSTAH should make better use of the human rights information collection, analysis and reporting that already exists within the Mission, and consider ways of making more of this existing information public in a manner that furthers the Mission's objectives and responsibilities."

24. MINUSTAH concurs with the reworded recommendation. In December 2011, OHCHR published two reports of the Human Rights Section on alleged killings by the Haitian National Police. Four other reports of the Section should be published by June 2012.

25. Thank you for the opportunity to comment on the draft final report. We stand ready to provide any further information that may be required.